

AGENDA FOR REGULAR COUNCIL MEETING ON **THURSDAY, JULY 25, 2019** <u>6:00 P.M.</u> ALTOONA CITY COUNCIL CHAMBERS

- I. Call Meeting to Order.
- II. Pledge of Allegiance.
- III. Roll Call for Council Persons/Roll Call for Department Heads.
- IV. Citizens Participation Period. (No more than twenty minutes unless extended by two-thirds vote.)
- V. Discuss/consider approval of minutes of the July 11, 2019 Regular Council Meeting and the July 19, 2019 Special Council Meeting. July 11, 2019 Minutes >> July 19, 2019 Minutes >>

VI. REPORTS

- A. City Officers/Department Heads
- B. City Committees

VII. UNFINISHED BUSINESS

- Discuss/consider approval of Final Implementation Plan for Creekside at Hillcrest Greens. (No action at the July 11, 2019 Council Meeting).
 Summary >> Materials >>
- 2. Discuss/consider approval of Certified Survey Map to reconfigure three parcels: #201-2378-10-020, #201-2378-06-000, and #201-2378-01-020 on Sawgrass Place in the Hillcrest Greens Planned Community Development as requested by Capital Investment Partners, LLC. (No action at the July 11, 2019 Council Meeting).
- Summary >> Materials >>
- VIII. NEW BUSINESS
 - 1. Public hearing at 6:00 p.m. or as soon thereafter as is practical on Resolution 7C-19, a resolution authorizing street and utility improvements and levying special assessments against benefited property for the Bartlett Avenue/CTH KB Reconstruction-Phase 2 Project.

Summary >> Materials >>

 Discuss/consider approval of Resolution 7C-19, a final resolution of the Common Council of the City of Altoona declaring intent to exercise its police powers pursuant to Section 66.0703 of Wisconsin Statutes to specially assess for the Bartlett Avenue/CTH KB Reconstruction-Phase 2 Project.

Summary >> Materials >>

3. Public hearing at 6:05 p.m. or as soon thereafter as is practical on Resolution 7D-19, a resolution authorizing street and utility improvements and levying special assessments against benefited property for the 2019 Hayden's Addition Reconstruction Project.

Summary >> Materials >>

- Discuss/consider approval of Resolution 7D-19, a final resolution of the Common Council of the City of Altoona declaring intent to exercise its police powers pursuant to Section 66.0703 of Wisconsin Statutes to specially assess for the 2019 Hayden's Addition Reconstruction Project.
 Summary >> Materials >>
- 5. Presentation by Jerome Lanners regarding a Development Plan for property south of Hwy 12 and west of Mayer Road. Possible action to follow.
 Summary >> Materials >>
- Discuss/consider approval of Jerome Berg as the New Agent for Cenergy LLC, DBA Mega Holiday #3705, located at 1027 N. Hillcrest Parkway, Altoona, Wisconsin. (Approved by the Altoona Police Department).
 Summary >> Materials >>
- Discuss/consider Mayoral Appointment of Fred Hoversholm to the Personnel Committee to fill the vacant citizen position for a term ending April 2021.
 Summary >>
- Discuss/consider approval of Ordinance 7G-19, an Ordinance Repealing Chapter 9.44 of the Altoona Municipal Code "Panhandling" in its entirety.
 Summary >> Materials >>
- 9. Discuss/consider approval of Ordinance 7H-19, an Ordinance amending Chapter 10.20 of the Altoona Municipal Code "Stopping, Standing and Parking" specifically to amend Sections 10.20.030 and 10.20.075 relating to parking prohibited and two-hour parking zone established.

Summary >> Materials >>

- 10. Discuss/consider additional intersection control in the Sherman Highland Addition. Summary >> Materials >>
- 11. Discuss/consider convening in closed session pursuant to Wis. Stats 19.85 (1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

A. Purchase and/or sale of property.

- Motion to reconvene to Open Session for the purpose of discussion and possible consideration on the matter entertained in Closed Session.
 A. Purchase and/or sale of property.
- IX. MISCELLANEOUS BUSINESS AND COMMUNICATIONS
- X. ADJOURNMENT

indy Baner

Cindy Bauer City Clerk

Requests from persons with disabilities who need assistance to participate in this meeting/hearing should be made to the City Clerk's Office at 715-839-6092 with as much advance notice as possible.

Speak Your Peace: The Civility Project

The Common Council of the City of Altoona, Wisconsin, recognizes and has adopted by Resolution 3B-15 that the nine tools of civility, drafted by Speak Your Peace: The Civility Project will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face our city. These tools include the following:

> Pay Attention | Listen | Be Inclusive | Don't Gossip | Show Respect | Be Agreeable Apologize | Give Constructive Criticism | Take Responsibility

> > ###

CITY OF ALTOONA, WI REGULAR COUNCIL MEETING MINUTES July 11, 2019

(I) Call Meeting to Order

Mayor Brendan Pratt called the meeting to order at 6:00 p.m. held in the Council Chambers at Altoona City Hall.

(II) Pledge of Allegiance

Mayor Pratt led the Common Council and others in attendance in the Pledge of Allegiance.

(III) Roll Call

City Clerk Cindy Bauer called the roll. Mayor Brendan Pratt, Council Members Dale Stuber, Red Hanks, Andrew Schlafer, Matthew Biren, Tim Sexton, and Susan Rowe were present. Also Present: Attorney Christopher Gierhart, City Administrator Michael Golat, Finance Director Tina Nelson, City Planner Joshua Clements, Management Analyst Roy Atkinson, and City Clerk Cindy Bauer. City Engineer/Director of Public Works (CE/DPW) David Walter arrived at 7:13 p.m.

(IV) Citizen Participation Period

Motion by Biren/Sexton to close the Citizen Participation Period. Motion carried.

(V) Approval of minutes.

Motion by Hanks/Sexton to approve the minutes of the June 27, 2019 Regular Council Meeting. **Motion carried.**

(VI) City Officers/Department Heads Report

City Administrator Golat mentioned that the stream is down for maintenance at River Prairie Park and should be working next week.

Golat mentioned that plans are underway for the Big Boy Locomotive visit on July 23, 2019. Watch the City's website for more information.

<u>City Committee Reports</u> – None.

(VII) Unfinished Business – none.

(VIII) New Business

(1) Quarterly Tourism Report presented by Visit Eau Claire.

City Administrator Golat explained that Visit Eau Claire is Altoona's contracted tourism promotion agency. In order to detail tourism marketing efforts in Altoona, Visit Eau Claire will continue providing quarterly updates to the council.

Linda John, Executive Director of Visit Eau Claire, was present at the meeting to discuss tourism marketing in Altoona and upcoming events occurring in the Chippewa Valley Area. Jason Krueger, Sports Sales Manager and Kenzi Havlicek of Visit Eau Claire were also present to answer any questions regarding tourism promotion and marketing.

(VIII)(2) Public Hearing at 6:00 p.m. or as soon thereafter as is possible to rezone parcel #201-2090-05-000 at 711 Fairfax Street from C Commercial District to R-3 Multiple Family Dwelling District as submitted by Frank Lechner.

Mayor Pratt opened the public hearing at 6:11 p.m.

City Planner Clements explained that the petitioner has submitted a petition to rezone the property at 711 Fairfax from C Commercial to R-3 Multiple Family Dwelling District. The most recent use for the property was a car wash. The petitioner is seeking to rezone in order to enable renovation and adding a second story to accommodate 8 dwelling units. Staff recommended that the Council approve the appeal for zoning with conditions.

Frank Lechner, applicant, was present to answer any questions Council Members had regarding his request for Rezoning the proposed property.

City Administrator Golat commented that the rezoning of this property could be conceived as spot zoning. Golat suggested reviewing some of the other corridors such as Spooner Avenue and Fairfax Street and look at possibly changing some of the current zoning to allow this type of use along the corridors.

Motion by Sexton/Rowe to close the public hearing at 6:17 p.m. Motion carried.

(VIII)(3) Discuss/consider approval of Ordinance 7A-19, an ordinance to rezone parcel #201-2090-05-000 from C Commercial District to R-3 Multiple Family Dwelling District as submitted by Frank Lechner.

City Planner Clements noted that the Plan Commission disapproved the rezoning request. Plan Commission Members felt it was more of a spot zoning, whereas no other R-3 zoning in the immediate area. Plan Commission and Council Member Matt Biren explained the reasoning why he voted for approval. Plan Commission and Council Member Andrew Schlafer explained the reasoning why he voted against the rezoning.

City Administrator Golat reiterated looking over some of the other corridors such as Fairfax Street and Spooner Avenue and look at changing some zoning to allow this type of use along the corridors.

Motion by Sexton/Biren to disapprove the rezoning for parcel #201-2090-05-000 from C to R3 and direct staff to come up with a proposed rezoning plan for this corridor to allow for a more specified use. **Motion carried.**

(VIII)(4) Public Hearing at 6:05 p.m. or as soon thereafter as is possible to rezone Lot 1 of CSM #3470 V19 P284 located at the corner of Fairway Drive and N. Willson Drive from R-1 One-Family Dwelling District (Temporary Designation) to RP River Prairie Mixed Use District, and Outlot 1 of that CSM from R-1 to P Public and Conservancy as submitted by the City of Altoona.

Mayor Pratt opened the public hearing at 6:33 p.m.

City Planner Clements explained that the identified Lot 1 and Outlot 1 of CSM 3470, of the CSM approved by the City Council on May 23, was recently acquired from the WI DOT. Previously, the property was DOT rightof-way, and as such, did not have a zoning classification. Pursuant to Altoona Municipal Code 19.24.030, lands incorporated into the City shall be subject to R-1 zoning until such time the property is rezoned, within 120 days. While the lands were not incorporated into the City through purchase, Zoning Administrator Clements regards this rezoning action as the applicable procedure. Lot 1 is intended to be marketed for development. The Zoning Administrator recommended the Plan Commission and Council assign RP River Prairie Mixed Use District as the applicable zoning to allow for commercial, residential, and mixed-use development and to follow the River Prairie Design Guidelines and Standards. The parcel is approximately 1.62 acres. The recommended zoning for Outlot 1 is P Public and Conservancy, as the Outlot is currently utilized as a stormwater pond. The Outlot is approximately 0.90 acres.

Motion by Schlafer/Sexton to close the public hearing at 6:35 p.m. Motion carried.

(VIII)(5) Discuss/consider approval of Ordinance 7B-19, an ordinance to rezone Lot 1 of CSM #3470 V19 P284 located at the corner of Fairway Drive and N. Willson Drive from R-1 One-Family Dwelling District (Temporary Designation) to RP River Prairie Mixed Use District, and Outlot 1 of that CSM from R-1 to P Public and Conservancy as submitted by the City of Altoona.

Motion by Sexton/Stuber to approve the rezoning for Lot 1 of CSM #3470 V19 P284 from R-1 to River Prairie Mixed Use and Outlot 1 from R-1 to P Public and Conservancy. **Motion carried.**

(VIII)(6) Public Hearing at 6:10 p.m. or as soon thereafter as is possible to consider Ordinance 7C-19 to amend Title 19 of the Altoona Municipal Code "Zoning" specifically to amend Chapter 19.61 regarding Short Term Rentals.

Mayor Pratt opened the public hearing at 6:36 p.m.

City Planner Clements explained that the Plan Commission discussed the emerging issue of Short-term rentals during the June 10th meeting and directed staff to propose an ordinance amendment. Short-term rentals (STR) are defined as rental of dwelling units for less than 29 days, but not located in a property defined and permitted as a hotel, motel, or bed-and-breakfast establishment. Per State Statues, STRs are required to acquire a State license from the County Health Department as well as sellers permit from the Department of Revenue. However, local zoning is silent on this use and, based upon case law, may be permitted.

Summary of the proposed modifications to Chapter 19.61:

- Articulate Purpose and Definitions.
- · Create "Short Term Rental Permit", administrative and enforcement procedures
- · Refer to existing State permit and license requirements
- Create Specific Standards
- o Rentals less than 7 days must occur at an owner-occupied property
- Create minimum parking, maximum occupancy
- Require posting of City permit

• Require creation and posting of an Operational Notice, including quiet hours, burning regulations, and other similar notices.

Linda John, Visit Eau Claire, commented on Airbnb facilities in Eau Claire County.

Motion by Sexton/Rowe to close the public hearing at 6:53 p.m. Motion carried.

(VIII)(7) Discuss/consider approval of Ordinance 7C-19, an ordinance amending Chapter 19.61 of the Altoona Municipal Code "Accessory Buildings and Uses" regarding short term rentals.

City Planner Clements explained that the Fee Schedule is proposed to be amended by a separate action to refer to the Short Term Rental Permit so created by this Ordinance. The Plan Commission recommended approval of Ordinance 7C-19. Staff will follow-up with preparation of the appropriate permit application and associated materials.

Motion by Sexton/Rowe to approve Ordinance 7C-19 amending Title 19 more specifically Chapter 19.61 "Accessory Buildings and Uses" regarding Short Term Rentals. Hanks against. **Motion carried.**

(VIII)(8) Public Hearing at 6:10 p.m. or as soon thereafter as is possible to consider Ordinance 7D-19 to amend Title 19 of the Altoona Municipal Code "Zoning" specifically to amend Chapter 19.28, and Chapter 19.56 regarding setbacks.

Mayor Pratt opened the public hearing at 6:56 p.m.

City Planner Clements explained that Chapter 19.28 and Chapter 19.56 were amended by the City Council, upon recommendation by the Plan Commission, in December 2017 regarding building setbacks. Included among those provisions was the requirement that garages be set back from the principal façade of the dwelling as noted in Chapter 19.28. The Plan Commission discussed this provision at the 2019 May 13th meeting and directed staff to remove the requirement. The proposed ordinance language modifying Chapter 19.28, specifically Section 19.28.030 "Yard requirements" removes the requirement and reframes the provision as an encouragement without regulatory effect.

City Planner Clements said there is also a provision in 19.56 "Yards, Lot Areas and Open Spaces" concerning the garage setback provision; that item is also struck. While modifying that Section of 19.56, staff proposed a further modification to improve developability of small parcels and corner lots. There is a provision that allows for comparison of a property to those along the same frontage, and if there are non-conforming setbacks

that pre-exist, new development or additions would be may be permitted with alternative setbacks: The existing alternative setback distance of 15 feet is not significantly different than the standard 16. This renders this provision not meaningful in terms of improving development in existing neighbors that have non-conforming setbacks. Staff proposes modification to ten feet. This is not expected to impact public infrastructure or other interests within the public right-of-way. Minimum garage setback from the right-of-way would remain 24 feet to allow for a vehicle to park within the driveway. City Planner Clements noted that the purpose of this recommendation is that there are many areas of the City where the predominant existing homes were constructed prior to 1970, and for which setbacks are commonly less than 15 feet. This modification may improve developability of existing and small lots in existing neighborhoods.

Motion by Sexton/Biren to close the public hearing at 6:59 p.m. Motion carried.

(VIII)(9) Discuss/consider approval of Ordinance 7D-19, an ordinance amending Chapter 19.28 "R-1 One Family Dwelling Districts" specifically Section 19.28.030 "Yard Requirements; and amending Chapter 19.56 "Yards, Lot Areas and Open Spaces" specifically Section 19.56.045 "Nonconforming Setbacks" regarding garage setbacks.

Motion by Sexton/Biren to approve Ordinance 7D-19 amending Title 19 more specifically Chapter 19.28 and 19.56 regarding setbacks. Hanks against. **Motion carried.**

(VIII)(10) Discuss/consider approval of Final Implementation Plan for Creekside at Hillcrest Greens

This item was asked to be moved to the July 25, 2019 Council Meeting. No action.

(VIII)(11) Public Hearing at 6:15 p.m. or as soon thereafter as is possible regarding a Certified Survey Map (CSM) to reconfigure three parcels: #201-2378-10-020, #201-2378-06-000, and #201-2378-01-020 on Saw-grass Place in the Hillcrest Greens Planned Community Development as requested by Rooney Properties.

Mayor Pratt opened the public hearing at 7:02 p.m.

City Planner Clements explained that the proposed CSM reconfigures three existing parcels, two lots and an outlot, into two lots and an outlot to facilitate the development of the Creekside at Hillcrest Greens. Clements noted that one of the modifications the petitioner is seeking is the existing easement that currently is 15 feet. The proposed easement will be modified to 20 feet. The public hearing took place but action will not be declared until the July 25, 2019 Council Meeting.

Motion by Sexton/Rowe to close the public hearing at 7:06 p.m. Motino carried.

(VIII)(12) Discuss/consider approval of Certified Survey Map to reconfigure three parcels: #201-2378-10-020, #201-2378-06-000, and #201-2378-01-020 on Sawgrass Place in the Hillcrest Greens Planned Community Development as requested by Capital Investment Partners, LLC.

This item was asked to be moved to the July 25, 2019 Council Meeting. Action on this item will be

declared at the July 25, 2019 Council Meeting at the request of the petitioner.

(VIII)(13) Public Hearing at 6:20 p.m. or as soon thereafter as is possible regarding a Certified Survey Map (CSM) to reconfigure four parcels: Lots 15, 16, 23 and Outlot 3 in River Prairie Northwest Quadrant as requested by River Flats, LLC.

Mayor Pratt opened the public hearing at 7:07 p.m.

City Planner Clements explained that the proposed CSM accomplishes lot combination and resizing for River Flats. Clements noted that the SIP was approved by the City Council on December 20, 2018. The CSM enlarges the parcels consistent with the land purchase agreement. The CSM also adds "Access Note" that Outlot 1 is to provide egress to Lot 1.

Motion by Sexton/Biren to close the Public Hearing at 7:10 p.m. Motion carried.

(VIII)(14) Discuss/consider approval of a Certified Survey Map (CSM) to reconfigure four parcels: Lots 15, 16, 23 and Outlot 3 in River Prairie Northwest Quadrant as requested by River Flats, LLC.

Motion by Sexton/Biren to approve the proposed CSM. Motion carried.

(VIII)(15) Public Hearing at 6:25 p.m. or as soon thereafter as is possible to rezone parcel #201-1006-07-150 from C Commercial District to R-3 Multiple Family Dwelling District, located east at the corner of Fairfax Street and Spooner Avenue as requested by Lee Haremza.

Mayor Pratt opened the public hearing at 7:11 p.m.

City Planner Clements explained that the subject parcel is approximately 0.990 acres and is located immediately east of the CCF Bank located at the corner of Fairfax Street and Spooner Avenue. The parcel has joint access from an existing private drive shared by the Bank and other parcels. The applicant, Lee Haremza, has submitted an offer to purchase contingent upon rezoning. Mr. Haremza proposes to construct a two-story multi-family building containing approximately 20 dwelling units. The conceptual site layout shows 34 automobile parking spaces. Adjoining uses to the east and south are residential multi-family. Uses to the west and north are commercial. City Planner Clements noted that if approved, the petitioner must complete successful Site Plan review prior to commencing development activities.

Ann Pehler, President of the Otter Creek Condo Association was present to ask questions regarding how close the proposed Multiple Family Dwelling District will be to their property line.

Motion by Sexton/Biren to close the public hearing at 7:16 p.m. Motion carried.

(VIII)(16) Discuss/consider approval of Ordinance 7E-19, an ordinance to rezone parcel #201-1006-07-150 from C Commercial District to R-3 Multiple Family Dwelling District, located east at the corner of Fairfax Street and Spooner Avenue as requested by Lee Haremza.

Motion by Sexton/Stuber to approve Ordinance 7E-19 to rezone parcel #201-1006-07-150 from C to R-3. **Motion carried.**

(VIII)(17) Discuss/consider approval of the Final Plat for Hillcrest Greens IV in the Hillcrest Greens II Planned Community Development as submitted by Sean Bohan on behalf of C&M Home Builders.

City Planner Clements explained the Final Plat for territory known as "Hillcrest Greens IV". The Final Implementation Plan for the development ("Hillcrest Greens II") was approved by the City Council on May 23, 2019. City Staff has confirmed that the Plat is consistent with the approved Final Implementation Plan. Motion by Sexton/Biren to approve the Final Plat for Hillcrest Greens IV. **Motion carried.**

(VIII)(18) Discuss/consider approval of Development Agreement between the City of Altoona and Lee Haremza for "Ry Estates".

City Planner Clements explained the Development Agreement between the City of Altoona and Lee Haremza for 'Ry Estates". The Site Plan was approved on 2019 March 11. The agreement sets forth conditions of installation of public infrastructure along with special conditions. The agreement also provides a surety for the improvements in the form of a letter of credit and includes the construction plans as an attachment. The development agreement will include a letter of credit that will be obtained and attached to the Development Agreement. Values were not available at the time of material publication.

Motion by Rowe/Sexton to approve a Development Agreement between the City and Lee Haremza for Ry Estates. **Motion carried.**

(VIII)(19) Discuss/consider approval of Development Agreement between the City of Altoona, Hoss Bros, LLC, and Hillcrest Self Storage, LLC, for "Harvest Ridge Apartments".

City Planner Clements explained the Development Agreement between the City of Altoona, Hoss Bros, LLC., (Jason Griepentrog), and Hillcrest Self Storage, LLC (Anthony Brown) for "Harvest Ridge Apartments". The Site Plan for this development was approved on 2019 June 10th. The agreement sets forth conditions of installation of public infrastructure along with special conditions. The development includes frontage along a road shown on the City's Official Map (N. Hillcrest Parkway). The agreement allows the adjoining property owners to delay construction of the road in exchange for financial liability at such time the roadway is constructed by the City.

Motion by Rowe/Sexton to approve a Development Agreement between the City, Hoss Bros., LLC., and Hillcrest Self Storage, LLC. Motion carried.

(VIII)(20) Discuss/consider approval of Development Agreement between the City of Altoona and River Flats, LLC for "River Flats".

City Planner Clements explained the Development Agreement between the City of Altoona and River Flats, LLC (Mark Held). The agreement sets forth conditions of extension of public utilities into the site, landscaping and stormwater encroachment into City property, and perpetual maintenance of adjacent walkways by the developer.

Motion by Sexton/Rowe to approve a Development Agreement between the City and River Flats, LLC. **Motion carried.**

(VIII)(21) Discuss/consider approval of Ordinance 7F-19, an Ordinance amending Chapter 3.08, Addendum "A", the City's Fee Schedule to establish new entry for Short Term Rental Permits.

City Planner Clements explained that this entry to the Schedule of Fees establishes a \$150 application and \$100 renewal fee related to Short Term Rental Permits, duly created with the adoption of Ordinance 7D-19.

Motion by Sexton/Rowe to approve Ordinance 7F-19 amending Chapter 3.08 Addendum "A" establishing fee schedule for short term rental permits. Hanks against. **Motion carried.**

(VIII)(22) Discuss/consider approval of Resolution 7A-19, a Preliminary Resolution of the Common Council of the City of Altoona, declaring intent to exercise its police powers pursuant to Section 66.0703 of Wisconsin Statutes to specially assess for the Bartlett Avenue/CTH KB Reconstruction-Phase 2 project.

CE/DPW Walter explained Resolution 7A-19, a preliminary resolution of the Common Council of the City of Altoona, declaring intent to exercise its police powers pursuant to Section 66.0703 of Wisconsin Statutes to specially assess for the Bartlett Avenue/CTH KB Reconstruction-Phase 2 project. Walter said the scope of the project includes reconstruction of Bartlett Avenue/CTH KB from Walden Court easterly to the City Limits. CE/DPW Walter noted that the scope of the project ends to the City Limits not the overpass as originally listed. Items included in the project consist of grading, gravel, asphaltic concrete paving, concrete curb and gutter, multiuse trail, sanitary sewer and appurtenances, water main and appurtenances, storm sewer, and lawn restoration. As in the past, Altoona has used the special assessment process to fund a portion of the project. The first step in the special assessment process is for the Council to pass the preliminary resolution declaring intent to exercise its police powers pursuant to section 66.0703 of Wisconsin Statutes and setting the date of the public hearing on the assessment for July 25, 2019 at 6:00 p.m. (or as soon thereafter as is practical). The preliminary resolution also directs City staff to prepare a Preliminary Assessment Report, which includes a schedule of the proposed assessments. Once completed, the report will be placed on file at City Hall for public inspection.

Motion by Rowe/Biren to approve Resolution 7A-19, a preliminary resolution of the Common Council of the City of Altoona, declaring intent to exercise its police powers pursuant to Section 66.0703 of Wisconsin Statutes to specially assess for the 2019 Bartlett Avenue Reconstruction project and set the date for public hearing at 6:00 p.m. on July 25, 2019. Hanks against. **Motion carried.**

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(VIII)(23) Discuss/consider approval of Resolution 7B-19, a Preliminary Resolution of the Common Council of the City of Altoona, declaring intent to exercise its police powers pursuant to Section 66.0703 of Wisconsin Statutes to specially assess for the 2019 Hayden's Addition Reconstruction project.

CE/DPW Walter explained Resolution 7B-19, a preliminary resolution of the Common Council of the City of Altoona, declaring intent to exercise its police powers pursuant to Section 66.0703 of Wisconsin Statutes to specially assess for the 2019 Hayden's Addition Reconstruction project. The scope of the project includes reconstruction of the following street segments.

- 1. Hayden Avenue, from 3rd Street East to approximately 479 feet east.
- 2. Garfield Avenue, from 3rd Street East to the easterly end of Garfield Avenue.
- 3. 4th Street East, from Daniels Avenue to Hayden Avenue.

CE/DPW Walter said items included in the project consist of grading, gravel, asphaltic concrete paving, concrete curb and gutter, sidewalk, sanitary sewer and appurtenances, water main and appurtenances, storm sewer, and lawn restoration. As in the past, Altoona has used the special assessment process to fund a portion of the project. The first step in the special assessment process is for the Council to pass the preliminary resolution declaring intent to exercise its police powers pursuant to section 66.0703 of Wisconsin Statutes and setting the date of the public hearing on the assessment for July 25, 2019 at 6:05 p.m.. The preliminary resolution also directs City staff to prepare a Preliminary Assessment Report, which includes a schedule of the proposed assessments. Once completed, the report will be placed on file at City Hall for public inspection.

Motion by Biren/Sexton to approve Resolution 7B-19, a preliminary resolution of the Common Council of the City of Altoona, declaring intent to exercise its police powers pursuant to Section 66.0703 of Wisconsin Statutes to specially assess for the 2019 Hayden's Addition Reconstruction project and set the date for public hearing at 6:05 p.m. on July 25, 2019. **Motion carried.**

(VIII)(26) Discuss/consider approval of Bartender Licenses for the 2019-2020 licensing period as submitted by Clerk Bauer.

City Clerk Bauer explained that the City has received renewal and new bartender license applications for the licensing period of July 1, 2019 through June 30, 2020. A report was prepared and distributed to Council with a recommendation by Police Chief Bakken for approval of all applicants submitted.

Motion by Biren/Rowe to approve the renewal and new bartender licenses for the 2019-2020 licensing period as submitted by Clerk Bauer. **Motion carried.**

(VIII)(27) Discuss updated cost estimate of the Bartlett Avenue/CTH KB Reconstruction-Phase 2 project. Possible action to follow.

CE/DPW Walter explained that the above project includes the second and final phase of reconstruction of Bartlett Avenue/CTH KB. The project limits include Bartlett Avenue/CTH KB from Walden Court easterly to the City Limits. Walter said that City staff recently received an updated Opinion of Probable Cost from Cedar Corporation, the engineering consultant on this project. The 2019 budget includes \$1,835,000 for completion of phase 2 of this project, based upon an estimate provided by Cedar Corporation previously. The current estimate is approximately \$2,051,613. Walter noted that this estimate does not contain a contingency line item, as the quantities are based upon an engineered plan. Cedar Corporation has explained the increase to be a function of both increasing unit prices due to the bidding climate as well as a shorter timeframe for completion of the project. As a result, staff is seeking guidance from Council on how to proceed. The bid opening is tentatively scheduled for Friday, August 2nd. CE/DPW Walter noted that due to the proposed construction schedule, there will be some impact on the availability to get to and from school and some of the properties located in the Town of Washington.

Council Member Schlafer suggested contacting the School District of Altoona to get their input regarding the impact of this project during the school year. Finance Director Nelson provided a budget update for this project and where the funds will be coming from. No action taken.

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(VIII)(28) Discuss/consider amending the premise description on the "Class B" Combination Liquor and Beer License issued to 400 Club, located at 1411 Spooner Avenue, to include a portion of their parking lot for the following date only: July 23, 2019.

Paul Johnson, owner of 400 Club, 1411 Spooner Avenue, is asking for an amendment to his current "Class B" Liquor and Beer license premise description to include a portion of his parking lot for the following date only: July 23, 2019 in order to operate in conjunction with the Union Pacific Railroad Big Boy Locomotive visit to Altoona. There will be a fenced in area where alcohol will be served. Paul Johnson (400 Club) is aware that alcohol may not leave the premise. It will be noted on the license that open containers may not be carried off the premise. Paul has also indicated that he will provide 4 portable toilets for use during the general event.

Motion by Biren/Rowe to amend/not amend 400 Club "Class B" Liquor and Beer License premise description to include the parking lot only for the specific date of July 23, 2019. **Motion carried.**

(VIII)(24) Discuss/consider convening in closed session pursuant to Wis. Stats 19.85 (1)(e)

A. Purchase and/or sale of property. B. Union Pacific Special Events Permit. C. Park Use Contract Negotiations. Motion by Biren/Rowe to convene in closed session at 7:44 p.m. pursuant to Wis. Stats. 19.85 (1)(e). Roll call vote, 6-aves, Stuber, Sexton, Schlafer, Biren, Hanks, Rowe, 0-nays. Motion carried 6-0.

(VIII)(25) Motion to reconvene to Open Session.

Motion by Biren/Hanks to reconvene to Open Session at 8:41 p.m. Roll call vote 6-ayes, Schlafer, Biren, Rowe, Stuber, Hanks, Sexton, 0-nays. **Motion carried 6-0.**

No action reported out of closed session.

(IX) Miscellaneous Business and Communication.

(X) Adjournment.

Motion by Sexton/Rowe to adjourn at 8:45 p.m. Motion carried.

Minutes submitted by Cindy Bauer, City Clerk

CITY OF ALTOONA, WI SPECIAL COUNCIL MEETING MINUTES July 19, 2019

(I) Call Meeting to Order

Mayor Brendan Pratt called the Special Council Meeting to order at 1:00 p.m. held in the Council Chambers at Altoona City Hall.

(II) Pledge of Allegiance

Mayor Pratt led the Common Council and others in attendance in the Pledge of Allegiance.

(III) Roll Call

City Clerk Cindy Bauer called the roll. Mayor Brendan Pratt, Council Members Dale Stuber, Red Hanks, Andrew Schlafer, Matthew Biren, Tim Sexton, and Susan Rowe were present. Also Present: Attorney Christopher Gierhart, City Administrator Michael Golat, Recreation Manager Debra Goldbach, and City Clerk Cindy Bauer.

(IV) Citizen Participation Period

Motion by Biren/Stuber to close the Citizen Participation Period. Motion carried.

(V) New Business

(1) Discuss/consider approval of Memorandum of Understanding related to the cooperative efforts of the City of Altoona and Eau Claire County Veterans Tribute Foundation, Inc. to develop a Veterans' Tribute in the City of Altoona.

City Administrator Golat explained that the Eau Claire County Veterans Tribute Foundation, Inc. approached the City of Altoona with a concept to establish a Veterans' tribute within the City of Altoona, which honors local veterans and will serve to educate the public. Golat explained the Memorandum of Understanding related to the cooperative efforts of the City of Altoona and Eau Claire County Veterans Tribute Foundation, Inc. to develop a Veterans' Tribute in the City of Altoona. Golat noted that once details are worked out between the City and the Eau Claire County Veterans Tribute Foundation, Inc, a Development Agreement specifying the terms and condition of this partnership will be brought forth to Council at a later date. The Park & Rec Committee will also be review the plans as they progress.

Motion by Sexton/Schlafer to approve a Memorandum of Understanding related to the cooperative efforts of the City of Altoona and Eau Claire County Veterans Tribute Foundation, Inc. to develop a Veterans' Tribute in the City of Altoona and authorize the mayor to sign the documents on the City's behalf. **Motion carried.**

(V)(2) Discuss/consider amending the premise description on the "Class B" Combination Liquor and Beer License issued to Golden Spike Bar & Grill, Inc, located at 228 Division Street, to include a portion of their parking lot for the following date only: July 23, 2019.

City Administrator Golat explained that Mark Anderson, owner of Golden Spike Bar & Grill, 228 Division Street is asking for an amendment to his current "Class B" Liquor and Beer license premise description to include a portion of his parking lot for the following date only: July 23, 2019 in order to operate in conjunction with the Union Pacific Railroad Big Boy Locomotive visit to Altoona. There will be a fenced in area where alcohol will be served. Mark Anderson (Golden Spike Bar & Grill) is aware that alcohol may not leave the premise. It will be noted on the license that open containers may not be carried off the premise.

Motion by Stuber/Hanks to amend the Golden Spike Bar & Grill "Class B" Liquor and Beer License premise description to include the parking lot only for the specific date of July 23, 2019. **Motion carried.**

(VI) Miscellaneous Business and Communication.

City Administrator Golat updated the Council on the preparation for the Big Boy Event taking place on July 23, 2019. Golat noted the main purpose of the Special Council Meeting was due to the request by Golden Spike to amend their liquor license for the July 23, 2019 Big Boy event and a request by the Veteran's Tribute Foundation to approve the Memorandum of Understanding prior to a ceremony of the signing of the Memorandum of Understanding on Tuesday, July 23, 2019.

(VII) Adjournment.

Motion by Sexton/Stuber to adjourn at 1:08 p.m. Motion carried.

Minutes submitted by Cindy Bauer, City Clerk



TO: Altoona City Council

FROM: Michael Golat, City Administrator

SUBJECT: Summary of THURSDAY, JULY 25, 2019 Council Meeting Items

(VII) UNFINISHED BUSINESS

ITEM 1. <u>Discuss/consider approval of Final Implementation Plan for Creekside at Hillcrest Greens</u> (No action at the July 11, 2019 Council Meeting).

Agenda >> Materials >>

See enclosed:

- Proposed Final Implementation Plan for Creekside at Hillcrest Greens (updated 2019-0718)
- · Staff Report (2019-0702)

The Final Implementation Plan (FIP) of the Creekside in Hillcrest Greens in the Hillcrest Greens Planned Community Development (PCD) describes implementation of the remaining portions of the Hillcrest Greens General Implementation Plan (GIP) identified as multi-family residential on the west end of the development, adjacent to Sawgrass Place.

The Creekside encompassed two 24-unit residential buildings. A total of 92 automobile parking spaces are illustrated, comprised of 12 garage stalls in two 6-unit buildings, and 80 surface spaces, 36 of which are covered by two open air canopies. The total project area is 4.17 acres.

The proposal includes the proposed reconfiguration of three parcels on Sawgrass Place, including relocation of the existing stormwater pond.

The proposal has been revised since the Plan Commission meeting on July 9 to reflect the approval conditions. Those conditions, thus satisfied, have been removed from those provided below. However, Staff did not have enough advance scheduling to amend the enclosed staff report.

Staff recommends that the Council approve the Final Implementation Plan for Creekside at Hillcrest Greens with the following modifications (conditions) of approval:

(1) Submittal and successful review of final *storm water plan* and *civil site plan* by City Engineer as described in the *Altoona Municipal Code* Chapter 14. The civil plan shall illustrate compliance with the Steep Slopes Ordinance (19.15.110) and confirm autoturn access for municipal firetruck.

- (2) Fire Department Connections (FDC) shall be 4" STORZ and located on the front of the building, near the water service lines.
- (3) The petitioner shall provide a revised storm water model for the proposed pond relocation to confirm compliance with Title 14 and any other applicable standards.
- (4) All exterior building and site lighting shall be shielded and full cut-off design.
- (5) No signs are indicated in the plan or approved through this permit.
- (6) The trash enclosures shall be comprised of building and site compatible materials such that bins are fully screened from the public right-of-way.
- (7) All HVAC equipment, regardless of location, shall be screened consistent with City standards.

Suggested motion: I move to approve / not approve the Final Implementation Plan for Creekside at Hillcrest Greens will staff recommended approval conditions.

ITEM 2 - Discuss/consider approval of Certified Survey Map to reconfigure three parcels: #201-2378-10-020, #201-2378-06-000, and #201-2378-01-020 on Sawgrass Place in the Hillcrest Greens Planned Community Development as requested by Capital Investment Partners, LLC. (No action at the July 11, 2019 Council Meeting).

Agenda >> Materials >> See Enclosed:

· Proposed CSM

The proposed CSM reconfigures three existing parcels, two lots and an outlot, into two lots and an outlot to facilitate the development of the Creekside at Hillcrest Greens. The CSM has been revised since the July 9 Plan Commission meeting to increase the size of the access easement from 15 feet to 20 feet.

Suggested motion: I move to approve/not approve the proposed CSM.

(VIII) NEW BUSINESS

<u>ITEM 1 – Public Hearing at 6:00 p.m. or as soon thereafter as is practical on Resolution 7C-19, a</u> resolution authorizing street and utility improvements and levying special assessments against benefited property for the Bartlett Avenue/CTH KB Reconstruction-Phase 2 project.

Agenda >> Materials >>

A public hearing is scheduled to consider input from interested parties and affected property owners regarding the Bartlett Avenue/CTH KB Reconstruction-Phase 2 project. Specifically, testimony will be heard on proposed special assessments. The public hearing has been properly noticed consistent with State Statutes. All affected property owners as listed in the Eau Claire County tax roll have been notified and have been provided a copy of their estimated assessments.

The scope of the project includes reconstruction of Bartlett Avenue/CTH KB from Walden Court easterly to the City Limits.

Items included in the project consist of grading, gravel, asphaltic concrete paving, concrete curb and gutter, multi-use trail, sanitary sewer and appurtenances, water main and appurtenances, storm sewer, and lawn restoration. As in the past, Altoona has used the special assessment process to fund a portion of the project.

Suggested motion: I move to close the public hearing.

ITEM 2 – Discuss/consider approval of Resolution 7C-19, a final resolution authorizing street and utility improvements and levying special assessments against benefited property for the Bartlett Avenue/CTH KB Reconstruction-Phase 2 project.

Agenda >> Materials >>

Please see ITEM 1 above for details on this agenda item.

Suggested motion: I move to approve/not approve Resolution 7C-19, a final resolution authorizing street and utility improvements and levying special assessments against benefited property for the Bartlett Avenue/CTH KB Reconstruction-Phase 2 project.

ITEM 3 – Public Hearing at 6:05 p.m. or as soon thereafter as is practical on Resolution 7D-19, a resolution authorizing street and utility improvements and levying special assessments against benefited property for the 2019 Hayden's Addition Reconstruction project.

Agenda >> Materials >>

A public hearing is scheduled to consider input from interested parties and affected property owners regarding the 2019 Hayden's Addition Reconstruction Project. Specifically, testimony will be heard on proposed special assessments. The public hearing has been properly noticed consistent with State Statutes. All affected property owners as listed in the Eau Claire County tax roll have been notified and have been provided a copy of their estimated assessments.

The scope of the project includes reconstruction of the following street segments.

- 1. Hayden Avenue, from 3rd Street East to approximately 479 feet east.
- 2. Garfield Avenue, from 3rd Street East to the easterly end of Garfield Avenue.
- 3. 4th Street East, from Daniels Avenue to Hayden Avenue.

Items included in the project consist of grading, gravel, asphaltic concrete paving, concrete curb and gutter, sidewalk, sanitary sewer and appurtenances, water main and appurtenances, storm sewer, and lawn restoration. As in the past, Altoona has used the special assessment process to fund a portion of the project.

Suggested motion: I move to close the public hearing.

ITEM 4 – Discuss/consider approval of Resolution 7D-19, a final resolution of the Common Council of the City of Altoona, declaring intent to exercise its police powers pursuant to Section 66.0703 of Wisconsin Statutes to specially assess for the 2019 Hayden's Addition Reconstruction project.

Agenda >> Materials >>

Please see ITEM 3 above for details on this agenda item.

Suggested motion: I move to approve/not approve Resolution 7D-19, a final resolution declaring intent to exercise its police powers pursuant to Section 66.0703 of Wisconsin Statutes to specially assess for the 2019 Hayden's Addition Reconstruction project

ITEM 5 - Presentation by Jerome Lanners regarding a Development Plan for property south of Hwy 12 and west of Mayer Road. Possible action to follow:

Agenda >> Materials >>

See enclosed:

- Conceptual Layout, Finland Holdings

Mr. Lanners acquired property immediately east of the Windsor Forest Subdivision in 2018 and in that year the City and Town of Washington memorialized a Boundary Adjustment Agreement to incorporate those properties into the City of Altoona.

The area is subject to conceptual backage and access road illustrations prepared by the Wisconsin Department of Transportation. The City is working with the Town of Washington, Eau Claire County, DOT, and other stakeholders with technical assistance from the West Central Wisconsin Regional Planning Commission to Officially Map these and other roads in proximity to Highway 12.

The specific challenge at this time is that a different land owner controls property to west, prohibiting free access to existing and planned Baumbach Way, and east, presenting safe and orderly development of infrastructure to access Mayer Road.

Mr. Lanners and his agents will present the conceptual plan for the property and describe the challenges.

ITEM 6 - Discuss/consider approval of Jerome Berg as the New Agent for Cenergy LLC, DBA Mega Holiday #3705, located at 1027 N. Hillcrest Parkway, Altoona, Wisconsin.

Agenda >> Materials >>

The City was notified in writing by Cenergy, LLC that Jerome Berg has been appointed to take over leadership responsibilities of the Mega Holiday #3705 store located at 1027 Hillcrest Parkway, replacing William Conroy.

According to Wis. Stats 125.04(6)(b) the following steps are to be taken in the appointment of a successor agent:

- The newly appointed agent may act in that capacity until approved or disapproved.
- The new agent must complete Forms AT-107a (Schedule for Successor of Agent) and AT-103 (Auxiliary Questionnaire) and file them with the municipal clerk.

 \cdot If the change is approved by the governing body, the municipal clerk must amend the license to reflect the change of agent.

Cenergy, LLC. submitted the necessary forms for appointing a new agent and was approved by the Altoona Police Department.

Staff recommends approval of appointment of new agent and to amend the licenses to reflect the change of agent.

Suggested motion: I move to approve/not approve Jerome Berg as the New Agent for Cenergy, LLC, DBA Mega Holiday #3705 located at 1027 N. Hillcrest Parkway, Altoona..

ITEM 7 - Discuss/consider Mayoral Appointment of Fred Hoversholm to the Personnel Committee to fill the vacant citizen position for a term ending April 2021.

Agenda >>

For your consideration is a resident who has expressed interest in serving on the Altoona Personnel Committee. Fred Hoversholm is currently serving on the Community Development Block Grant Committee and would like the opportunity to serve on the Personnel Committee. Hoversholm has lived in this area for a long time and has been involved in community work for quite some time.

Mayor Pratt recommends approval of Hoversholm's appointment.

Suggested motion: I move to approve/not approve Mayoral Appointment of Fred Hoversholm as recommended by Mayor Pratt to the Altoona Personnel Committee to fill the vacant citizen position for a term ending April 2021.

<u>ITEM 8 – Discuss/consider approval of Ordinance 7G-19, an Ordinance Repealing Chapter 9.44 of the Altoona Municipal Code "Panhandling" in its entirety.</u>

Agenda >> Materials >>

On December 22, 2015 the City Council passed an ordinance related to regulation of panhandling within the City of Altoona. The City has subsequently been contacted by the Wisconsin Chapter of the American Civil Liberties Union, and they have provided case law and other documentation suggesting that such ordinance related to panhandling are unconstitutional with respect to an individual's right to solicit funds, picket, protest, or engage in other constitutionally protected activity (please see attached letter). The ACLU has suggested that the City repeal the ordinance in light of facts presented.

Chief Bakken has reviewed the ordinance and does not feel that repealing the Chapter would be detrimental with respect to addressing legitimate complaints related to panhandling wherein public health, safety or welfare were endangered. Therefore, staff is recommending that Chapter 9.44 be repealed.

Suggested motion: I move to approve/not approve Ordinance 7G-19, an Ordinance repealing Chapter 9.44 of the Altoona Municipal Code "Panhandling" in its entirety.

ITEM 9 - Discuss/consider approval of Ordinance 7H-19, an Ordinance amending Chapter 10.20 of the Altoona Municipal Code "Stopping, Standing and Parking" specifically to amend Sections 10.20.030 and 10.20.075 relating to parking prohibited and two-hour parking zone established.

Agenda >> Materials >>

City staff received a request to alter the parking prohibitions along Lynn Avenue, from Division Street to First Street West. The request was made to address parking by nearby residents in front of an adjacent business, which impacts use by customers. An addition revision is proposed to address ongoing snow removal concerns by prohibiting parking between 2 a.m. and 6 a.m.

The attached ordinance amends Section 10.20.030 to prohibit parking from two a.m. to six a.m. on the north and south side of Lynn Avenue from Division Street to First Street West. The ordinance also amends section 10.20.075 changing the one-hour parking zone to two-hour parking zone on the following streets and adding a section on Lynn Avenue as described below:

A. On the south side of Lynn Avenue from Division Street to a point thirty-five <u>one hundred</u> thirty-five feet west of Division Street;

B. On the west side of Division Street from Lynn Avenue to a point thirty-five feet south of Lynn Avenue. (Ord. 13, 1977);

C. On the north side of Lynn Avenue from Division Street to First Street West.

Staff recommends approval of amending Chapter 10.20 as further described above.

Suggested motion: I move to approve/not approve Ordinance 7H-19, an Ordinance amending Chapter 10.20 of the Altoona Municipal Code.

ITEM 10 - Discuss/consider additional intersection control in the Sherman Highland Addition. Agenda >> Materials >>

Mayor Pratt and Council Member Sexton have requested this agenda item to consider adding additional STOP signs within the Sherman Highland Addition in response to constituents' concerns.

A map of recorded crashes since January 2014 is attached. Hamilton Avenue is currently classified as a through street, and STOP signs are placed on every side street approach. Hamilton Avenue is a logical location for a through street as it receives both residential and nearby commercial traffic. The remaining intersections to the north within the residential neighborhood are uncontrolled.

City staff advises that two approaches to consider may be:

- 1. Dedicate an additional through street as necessary. This would result in the least amount of required signs, but may contribute to driver confusion due to a mixture of stop-controlled and uncontrolled intersections within the neighborhood.
- 2. Complete a comprehensive control layout through the neighborhood consisting of "basketweave" intersections wherein two-way STOP control is placed at alternating intersections. This would result in higher cost to install and maintain, but would be a thorough and predictable system.

City staff is seeking guidance from Council on how to proceed, and as directed, would return with an ordinance amendment for consideration at the next scheduled Council meeting.

Suggested motion: I move to approve/not approve directing City staff to prepare and present an amendment of Chapter 10.24 of the Altoona Municipal Code at the next scheduled Council meeting.

ITEM 11 - Discuss/consider convening in closed session pursuant to Wis. Stats 19.85 (1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

A. Purchase and/or sale of property.

ITEM 12 - Motion to reconvene to Open Session for the purpose of discussion and possible consideration on the matter entertained in Closed Session.

A. Purchase and/or sale of property.

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Agenda >>

Summary >>

Creekside At Hillcrest Greens

Final Implementation Plan

For:

Rooney Properties 13167 County Hwy OO Chippewa Falls, WI 54729



Rooney Properties is proposing to develop the western portion of the Hillcrest Greens II recorded plat. The site is currently zoned as a Planned Community Development (PCD) with an approved General Development Plan (GDP).

The approved GDP consists of 120-170 multifamily residences in the project area. We are proposing 2, 24unit buildings for a total of 48 units. It should be noted that the Traffic Impact Analysis (TIA) accounted for a much higher Average Daily Trip (ADTs) for this area, therefore traffic will not be a concern for the internal roads and intersections. The current storm water detention pond will be relocated to the east between the current Casey's General Store project and our proposed project. There will be a reconfiguration of the current 3 lots, so no new lots will be created. The 2, 24-unit buildings will sit on just over 3 acres of land.

The proposed buildings will have a Northwoods feel by using wood timbers, a mix of stone and hardboard siding, which is consistent with the Hillcrest Greens development. The color pallet will be earth tones and blend in seamlessly with the neighboring buildings. Parking will consist of 44 surface stalls, 36 canopy covered stalls, and 12 detached garage stalls for a total of 92 parking stalls.

Each 24-unit building will be 3 stories with exterior entrances into each unit. The project unit mix, and anticipated rents are listed below in the table.

Unit Name	SF	Unit Type	Rent		# of units
Gadwell	1,470	3 bedroom/2 bath	\$	1,500.00	12
Cobb	1,185	2 bedroom/2 bath	\$	1,250.00	12
Warren	1,158	2 bedroom/2 bath	\$	1,300.00	6
Horsetooth	763	1 bed/1 bath	\$	1,150.00	18
			Total	Units	48

The slopes, for the most part, are gradual and run from east to west and south to north towards the existing stormwater facility located in the NW corner of the site. There are steep slopes along the southern boundary that will not be disturbed. The existing stormwater facility, which treats, detains, and infiltrates stormwater runoff from 10.5-acres will be located some 250 feet to the east. Once completed the stormwater facility will be deeded over to the city of Altoona.

Access into this proposed development will come from the cul-de-sac at the end of Sawgrass Place with one (1) shared driveway for the development. There are two sets of utility services (sanitary sewer and water) that have been extended into the site from the street. Both sets of services are adequately sized to serve each building and therefore no work within the City street is necessary. The storm sewer that discharges to the existing pond will be salvaged and re-laid to the new stormwater facility. All runoff from the new development will be collected and conveyed to the relocated stormwater facility via inlets and pipes. This facility will provide for peak attenuation, water quality, and infiltration per City and WIDNR requirements.

Landscaping will be done in accordance to the City of Altoona standards with a combination of trees, shrubs and grasses planted along the building foundations. In addition, trees will be planted within the boulevard per City requirements. Site lighting and spacing shall be designed per City requirements. The Hillcrest Greens overall development has a combination of trails and sidewalks meandering around ponds, wetlands, and through the City Park on the banks of Otter Creek. This development will install sidewalk around Sawgrass Place that will connect to existing sidewalks and the trail on St. Andrew's Drive. In addition, there will be a stripped pedestrian walkway through the parking lot that will give access to the sidewalks on Sawgrass Place. Residents at the Creekside at Hillcrest Greens will have access to the amenities of the overall Hillcrest Greens development. The two (2) lots that will be developed with the 24-unit buildings comprise 3.29-acres; there will be 1.40-acres of impervious (42.5%) and 1.89 acres pervious (57.5%).

Construction of the proposed project will commence in the Fall of 2019 and will consist of 2 phases. Phase 1 will include site grading, pond relocation, and construction of the first 24-unit building on the northern most lot. Phase 1 is anticipated to be complete around June 2020. Phase 2 will commence in the summer/fall of 2020 and consist of the second 24-unit building on the southernmost lot. The anticipated completion of phase 2 is Spring of 2021.

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VICINITY MAP

City Council | July 25, 2019

Old Business | Item 1 | Page 5 of



SITE PLAN



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1	– ADA – AWNING – SURFACE	(12'X22') (10'X20') (9'X18') (9'X20') TOTAL •	= 12 = 4 = 36 = 28 = 12 = 92	
	SETBACKS: HWY 12: 50' SIDE: NONE REAR: NONE			
ROONEY I	HILLCREST GREEN PROPERTIES ONA, WI	S	DWG NAME 19056 C300 SITE DATE 6/2019	C300

GRADING PLAN



	0115	City Council July 25	
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CREEKSIDE	ΑT	HILLCREST	GREENS
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DWG NAME 19056 C500 GRADING	6
DATE 6/2019	C

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UTILITY PLAN





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STM5	SS245	871.00	867.46	NW	6" STM
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STM6	SS-206	872.84	868.19	N	4" STM
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STM7	SS-210	871.50	866.64	E	8" STM
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STM8	SS-460	866.00	866.00	W	15" STM
STM9	SS-220	870.55	866.54	N	10" STM
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			868.30	S	6" STM
STM14	SS-210	870.50	866.85	W	6" STM
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STM15	SS-206	871.28	867.22	W	6" STM
			867.22	E	6" STM
STM16	SS-206	870.49	867.55	S	4" STM
			867.55	S	4" STM
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STM17	SS-460	-	866.00	SE	12" STM
STM18	SS-417	872.00	865.73	SE	12" STM
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STM19	SS-200	870.08	863.55	W	10" STM
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			861.30	N	12" STM
STM20	SS-245	866.83	863.83	E	10" STM
STM21	SS-490		866.00	S₩	4" STM

NOTE: UNDERGROUND UTILITY LOCATIONS TO BE VERIFIED BY CONTRACTOR

UTILITY NOTES:

- STORM PIPE LENGTHS ARE TO CENTER OF MANHOLE. CONTRACTOR TO VERIFY ACTUAL LENGTH REQUIRED.
- 2. ALL LENGTHS OF PIPE INCLUDE FLARED END SECTION (F.E.S.). CONTRACTOR WILL ONLY BE PAID FOR L.F. OF PIPE, NOT INCLUDING LENGTH OF F.E.S.
- 3. MANHOLES ARE 48"# UNLESS OTHERWISE NOTED.
- 4. SILT FENCE AROUND INLETS AND MANHOLES REQUIRED DURING CONSTRUCTION PER DETAIL C-211.
- 12" CLEARANCE WHEN WATERMAIN GOES OVER SANITARY, WATERMAIN, OR STORM SEWER & 18" SEPARATION WHEN WATERMAIN PASSES UNDER SANITARY SEWER OR STORM
- SEWER. CONTRACTOR SHALL VERIFY SANITARY SEWER AND WATER SERVICE LOCATIONS, SIZES, AND DEPTHS. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES.
- DOWNSPOUT COLLECTIONS SYSTEM SHALL FOLLOW DETAIL SS-500.
- ALL DISTURBED AREAS TO BE RESTORED WITH A MINIMUM OF 4" TOPSOIL, SEED AND STRAW MULCH.

CREEKSIDE AT HILLCREST GREENS ROONEY PROPERTIES	19056 C400 UTILITY	C100
ALTOONA, WI	DATE 6/2019	C400

LANDSCAPE PLAN



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CREEKSIDE AT HILLCREST GREENS 1. DECIDUOUS TREES SHALL HAVE A MINIMUM CALIPER OF ONE AND ONE-HALF INCHES.

2. CONIFEROUS TREES SHALL BE A MINIMUM OF 4 AND ONE-HALF FEET IN HEIGHT. 3. SHRUBS SHALL HAVE A MINIMUM POT SIZE OF TWO GALLONS OR COMPARABLE IN SIZE IF SHRUBS ARE BARE ROOT.

SITE NOTES:

- 1E NOIES: 1. PAINT LINE WORK ON ASPHALTIC PAVING, CONCRETE CURBS, WALKS, AND RAMPS SHALL BE FACTORY MIXED, QUICK DRYING, NON-BLEEDING TRAFFIC MARKING PAINT COMPLYING WITH AASHTO M248, Type COLOR SHALL BE WHITE, EXCEPT WHERE ANOTHER COLOR IS REQUIRED BY CODE. CONTRACTOR SHALL CLEAN SURFACE IN THE AREAS RECEIVING PAINT AND SHALL PAINT ALL MARKINGS AND SYMBOLS WITH TRAFFIC MARKING PAINT. PAINT SHALL BE APPLIED WITH MECHANICAL EQUIPMENT TO PRODUCE UNIFORM STRAIGHT EDGES. CONTRACTOR SHALL APPLY TWO (2) COATS AT MANUFACTURER'S RECOMMENDED RATES. 2. DOWNCAST LIGHTING WILL BE LOCATED ON THE FRONT AND SIDES OF THE BUILDING AND GARAGES. EXTERIOR LIGHTING WILL MEET THE CITY'S EXTERIOR LIGHTING MANUAL STANDARDS. 3. TRASH ENCLOSURE WILL BE SCREENED BY FENCING. IN ADDITION SHRUBS WILL BE PLACED AROUND THE PERIMETER.

CREEKSIDE AT HILLCREST GREENS ROONEY PROPERTIES	19056 C300 SITE	11
ALTOONA, WI	DATE	L I
	6/2019	

DWC NAME

ARCHITECTURAL BUILDING PLANS/RENDERINGS








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JGA









CSM





	PLAN COMMISSION – 2019-0709
-	FINAL IMPLEMENTATION PLAN – CREEKSIDE AT HILLCREST GREENS
Address	TBD
Parcel ID	201-2377-06-000, 201-2377-10-030, 201-2377-10-040, 201-1045-06-000
Application	Final Implementation Plan (PCD FIP)
Prepared By	Joshua Clements, AICP, City Planner
SUMMARY	
Applicant	Rooney Properties 13167 County Hwy OO Chippewa Falls, WI 54729
Owner	Rooney Properties
Parcel Description	A] Lot 2 CSM 3452 V19 P239 Doc 1173113 (201-2378-01-000) B] Outlot 9 Hillcrest Greens II Plat (201-2378-06-000) C] Lot 94 CSM 2995 V16 P425 Doc 1103574 (201-2378-10-020)
	Properties to be reconfigured through CSM.
Requested Action	Adopt the Final Implementation Plan for three parcels in the Hillcrest Greens General Implementation Plan (2013), in the Planned Community Development District (PCD).
Proposal Summary	The Final Implementation Plan (FIP) describes implementation of the remaining portions of the Hillcrest Greens General Implementation Plan (GIP) identified as multifamily residential on the west end of the development, adjacent to Sawgrass Place. The GIP illustrates 120 to 170 units at "approximately 25 units/acre". The total area is 4.47 acres.
	The proposed development of Creekside is two 24-unit buildings, 48 total units over 3.03 acres. A portion (approx. 25%) of the 1.14 acres stormwater pond is also attributable to this development, for a net density of less than 15 units per acre.
	The development reflects 92 total automobile parking spaces, including parking, covered, and open surface spaces; 1.9 per dwelling unit.
	The design approach and materials utilized in the building is described as a "Northwoods feel", utilizing wood timbers, stone, and hardboard siding of an earth tone selection.
	The accompanying proposed CSM includes relocation and perpetualization of the 15- foot access easement that benefits two properties west of this site located in the Town of Washington. These parcels currently have access directly from Highway 12, a condition that could be restricted in the future.
	The stormwater from the site will be directed into the pond that is to be relocated for this project. That pond also serves The Classic, Casey's General Store, and Sawgrass

PLANNING DEPARTMENT STAFF REPORT

Place.



Submittals

(1) Creekside at Hillcrest Greens Final Implementation Plan

The following elements are required per Altoona Municipal Code 19.64.180:

A. An accurate map of the area covered by the plan, including the relationship to the total general development plan; **Provided.**

B. The pattern of public and private roads, driveways, walkways and parking facilities; **Provided.**

C. Detailed lot layout and subdivision plat where required; Provided.

D. The arrangement of building groups, other than single-family residences, and their architectural character; **Provided**

E. Sanitary sewer and water mains; Provided.

F. The location and treatment of open space areas and recreational or other special amenities; **Provided.**

G. The location and description of any areas to be dedicated to the public; Provided.

H. General landscape treatment; Provided.

I. Proof of financing capability; N/A.

J. Projected city review and costs associated with the development; Provided.

K. A development schedule indicating: N/A.

- 1. The approximate date when construction of the project can be expected to begin,
- 2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin,
- 3. The anticipated rate of development,
- 4. The approximate date when the development of each of the stages will be completed, and
- 5. The area and location of common open space that will be provided at each stage;

L. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the planned community development and any of its common services, common open areas or other facilities; **N/A.**

M. Any other plans, documents or schedules requested by the city.

(2) Creekside at Hillcrest Greens – Civil Plans (June 2019)

(3) Preliminary CSM

 City Staff has determined that submittals satisfy requirements illustrated by code.
Applicable Standards
City of Altoona Comprehensive Plan (2009) Hillcrest Greens General Implementation Plan (2013) City of Altoona Code Title 19: Zoning City of Altoona Code Title 19: Zoning City of Altoona Code Title 18: Subdivisions and Land Divisions City of Altoona Code Title 12: Streets and Sidewalks
Review Required By
Plan Commission; City Council
Planning Department, Public Works, Fire Department, Police Department
Staff Recommendation

Background Information

Zoning & Land Use

The current land use of is Vacant*.

Hillcrest Greens II	Zoning	Land Use
Subject Site	PCD Planned Community Development	Vacant
North	N/A	Highway 12
South	PCD Planned Community Development	Fairway Park
East	PCD Planned Community Development	The Classic CBRF
		Casey's General Store
West	RL (Town of Washington)	Commercial
		The Center

* The existing stormwater pond servicing the immediate vicinity is located within the property and is proposed to be relocated within the project area.



Above: Context of the three existing parcels (spring 2018 Eau Claire County GIS aerial photography)



General Improvement Plan (2013)



Proposed Land Use	Multi-Family (48 unit)
Conformance with Comprehensive Plan	The 2009 City of Altoona Comprehensive Plan, Future Land Use Map, identifies the area as "Recreational Commercial", residual from the previous use as the Hillcrest Golf and Country Club.
Conformance with Zoning	All of the parcels are zoned Planned Community Development.

Project Description, Analysis & Conclusion

Criteria for Approval

There are two principal criteria to evaluate the proposed Final Implementation Plan:

- First, consistency with the adopted General Implementation Plan; and,
- Second, that the City of Altoona Comprehensive Plan, Subdivision Title and Zoning Title applicable standards, concepts and goals are met.

The most relevant ordinance sections that provide the principal regulatory guidelines and standards include, but are not limited to:



- Hillcrest Greens General Implementation Plan (2013)
- 19.64 PCD-Planned Community Developments
- 19.54 Site Plans
- 2009 Comprehensive Plan

The following are standards and guidelines as enshrined by ordinance, section header entries **in bold**, text language *in italics*. Following the ordinance standards are staff responses and analysis.

19.64.030 Standards governing project approval.

The plan commission shall consider the proposed PCD plan from the point of view of the standards and purposes of the regulations governing the planned community development so as to achieve a maximum of coordination between the proposed development and the surrounding uses, the conservation of woodland and the protection of watercourses from erosion, siltation and pollution, and a maximum of safety, convenience, and amenity for the residents of the development. To these ends the plan commission and the city council shall consider the location of buildings, parking areas and other features with respect to the topography of the area and existing features such as streams and large trees; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the adequacy and location of green area provided; the adequacy, location, and screening of the parking area; if the planned development is consistent with the comprehensive plan; if the planned development can be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site, and such other matters as the plan commission and city council may find to have a material bearing upon the stated standards and objectives of the PCD zone regulations.

"location of buildings, parking areas and other features with respect to the topography of the area and existing features such as streams and large trees"

The prosed site plan does not illustrate removal of any existing trees on the site. Except for the site perimeter, the land has been cleared and graded for development. Existing trees near the Highway 12 right-of-way are illustrated to remain.

"the efficiency, adequacy and safety of the proposed layout of internal streets and driveways"

The site design meets driveway geometry standards. The vehicle drive isles and parking spaces meet minimum requirements. No dedicated pedestrian connection to the public sidewalk is indicated.

"the adequacy and location of green area provided"

The specifications provided indicate that the site is approximately 42.4 percent impervious and 57.6 green space. General landscaping is proposed.

"the adequacy, location, and screening of the parking area"

The automobile parking area is within permitted parking space quantities and meets character requirements provided in Chapter 19.52. The parking area is partially screened by the two proposed 6-stall parking garages, and is otherwise not screened. Trees and general landscaping is provided, but not illustrated with the suggested intent of providing visual screening.

"if the planned development is consistent with the comprehensive plan"



The proposed site plan predominately meets the Community Design Standards (2.8) in the Comprehensive Plan (2009). The Design Standards generally require that the building be placed toward the street with minimal setback, which is not practical as applied to this site.

"if the planned development can be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site"

The scale of the building and selection of the materials is proposed to be similar to The Classic, located adjacent to the subject site.

19.64.050 Uses permitted.

A. Residential Uses. Single-family, two-family and multiple-family dwelling units in detached, semidetached, attached or multistoried structures, or any combination thereof, excluding all home occupations;

The proposed use is consistent with the Hillcrest General Implementation Plan (2013)

19.64.060 Lot area, lot width, side yard, rear yard, lot coverage and building height requirements.

In the PCD district, the requirements for lot area, lot width, side yard, rear yard, front yard, lot coverage and building height shall be consistent with basic planning and zoning principles and designed to encourage and promote improved environmental design and economic vitality. Such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plat itself, construed to be and enforced in accordance with this chapter.

The proposed development of Creekside is two 24-unit buildings, 48 total units over 3.03 acres. A portion (approx. 25%) of the 1.14 acres stormwater pond is also attributable to this development, for a net density of less than 15 units per acre.

As noted above, the lot design is approximately 57 percent green space. Approximately half of the open space is existing hillside and wooded area along the west and south portions of the property. The remaining half are lawn spaces immediately adjacent to the building, small areas encircling the parking areas, and a utility easement area within the required Highway 12 setback.

The building setback from the west property line is 50 feet at its most narrow.

The height of the buildings is approximately 45 feet, which is less than The Classic to the east.

The proposal has been reviewed and staff recommended modifications are based upon Altoona Municipal Code general development standards (Site Plan, Parking, etc.) and the Community Design Principles contained in the Comprehensive Plan (2009).

19.64.070 Character and intensity of land use.

In a PCD district, the uses proposed, also their intensity and arrangement on the site shall be of an aesthetic and operational character which:

A. Are compatible with the physical nature of the site with particular concern for preservation of natural features, tree growth and open space;

The site has been cleared and graded for development. There are existing trees along the west and south, which are contagious with Fairway Park and the Otter Creek corridor. There are six existing trees within the Highway 12 setback area, and are illustrated to remain.



B. Produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicability compatible with the general development plans for the area as established by the community;

The proposed architecture and materials proposed for the buildings are similar in type and quality as utilized in existing nearby structures. The height and building orientation is also consistent with nearby sites.

The proposal preserves the existing trees that are contiguous with Fairway Park and Otter Creek corridor, as well as six existing trees near the Highway 12 right-of-way.

The FIP narrative includes references to providing street boulevard streets, however, the provided landscape plan does not include these. The narrow right-of-way around the cul-de-sac (8 to 10 feet), once the sidewalk is in place, with the added snow burden that cul-de-sacs create, may not be reasonable.

The proposal is consistent with approved General Implementation Plan for the area.

The land does not have any known development constraints or environmental sensitivities. The entire site is disturbed from pre-development conditions and is a "pad ready" site.

C. Not adversely impact school or other municipal services, including public parks and recreational areas;

This site was identified as multi-family development (GIP illustrates 120 to 170 units at "approximately 25 units/acre"). Area municipal utilities and public spaces have been planned and sized accordingly.

D. Not create a traffic or parking demand incompatible with the existing or proposed facilities;

The proposed development reflects fewer dwelling units than had been forecasted and planned for in the Traffic Impact analysis utilized to plan existing facilities.

E. Grant the plan commission the right to exclude from a plat any lot or lots which by reason of size, shape, location, or for other good cause are not reasonably consistent with basic planning and zoning principles.

Not applicable.

19.64.080 Economic feasibility and impact.

The proponents of a planned community development district application shall provide evidence satisfactory to the plan commission and city council of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the city or the values of surrounding properties.

Not applicable. The General Implementation Plan has been improved.

19.64.090 Engineering design standards.

The width of the street right-of-way, width and location of street or other paving, outdoor lighting and streetlights, location of sewer and water lines, provisions for stormwater drainage or other environmental



engineering consideration shall be satisfactory to the plan commission; provided, however, that in no case shall public standards be less than those necessary to insure the public safety and welfare as determined by the city.

The site is planned for multi-family use. The stormwater modelling has been completed for the site and water will be directed to a planned relocation of an existing stormwater pond designed to accommodate the development.

Fire Department Connections (FDC) shall be 4" STORZ.

Driveway approaches meet Chapter 12.12.025 Commercial Driveway Approaches (Ord 5F-18) geometric standards.

19.64.120 Off-street parking

In the planned community development district, off-street parking facilities shall be provided in accordance with applicable regulations herein set forth in Chapter 19.52 or any applicable overlay zoning district, and such requirements as are made a part of an approved, recorded, precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this chapter. There shall be two extra parking spaces clearly designated as "Handicapped Parking only" in each parking lot.

The proposed automobile parking meets the standards provided in Chapter 19.52 Parking and Loading Spaces. The minimum parking required is 1.5 spaces per dwelling unit greater than 600 sf². The proposed buildings are 48 units; thus the minimum provided automobile parking spaces is 72. The proposal includes 92 stalls, 4 of which are identified as handicap.

19.64.130 Screening requirements.

Opaque screening shall be required when property for nonresidential uses or structures in a PCD district abuts property for a residence or residentially zoned districts, or when parking or loading areas abut a public street. Screening shall include decorative fences, walls, vegetation, berms, or a combination of similar features. Walls and fences shall include durable, high quality materials such as native stone, masonry, wrought iron, or similar materials. Chain link fences shall not be considered an appropriate screening material along public street frontage. Such screening shall be done in accordance with an approved landscape plan to ensure the compatibility of the proposed landscape with the visual character of the city, with surrounding parcels, and with existing and proposed features of the subject property.

Properties to the west are anticipated to be screened by existing mature trees and woodland understory. The property to the southeast is the Classic CBRF, with a new wing anticipated to be constructed. Improved landscaping to create additional screening of the parking area is recommended.

Properties to the east, across St. Andrews Drive, are vacant parcels identified for residential development; and beyond those parcels to the east and southeast are existing dwellings. To the south is The Clubhouse community-based residential facility, across Sawgrass Place. This relationship spatial relationship is as approved in the Hillcrest Greens General Implementation Plan.

The FIP submittals do not include a site lighting plan. Staff recommends adding a condition that all exterior and site lighting be downcast, shielded, and full cut-off design.



Access Easement

The original Plat for Hillcrest Greens (2013-0904) includes text on the appropriate lot to "provide reasonable egress easement" to the three parcels located to the west of Hillcrest Greens (below).



The subsequent Plat of Hillcrest Greens II, dated 2014 March 18, includes a twenty-foot-wide access easement to benefit the adjoining property located in the Town of Washington. The easement width is twenty feet centered on the property line between Lot 94 and Outlot 9.





Proposed easement:



The easement is an issue of concern for three reasons:

- (1) Access from Sawgrass Place to the west is reduced from 20 feet to 15 feet. The typical commercial driveway (single point) is 24 feet.
- (2) A portion of the stormwater pond is proposed to be located within the easement;
- (3) The proposed arrangement of buildings (detached garages) and grading of the stormwater pond would not permit vehicles to pass within the easement. The eaves of the garages encroach into the easement by approximately 18 inches.

As stated in the initial Plat for Hillcrest Greens, the easement is to provide egress for three parcels, one is a commercial business (The Center), one a dwelling, and the other is undevelopable. If the current access for these properties is restricted or eliminated by WisDOT, this easement route may become the only access.

The easement as illustrated on Plat for Hillcrest Greens II narrows from 20 to 15 feet once it intersects with the west property line. This may be to share a portion of the access with that adjoining property to which it is benefit. The easement is clearly not less than 20 feet up to that point.



The portion of the easement parallel to Highway 12, as proposed, is partially located within an existing overhead utility easement, and thus does not significantly encumber the property. However, the north-south portion will be challenging to accomplish without modifications to the Site and/or Pond.



Above: Proposed access easement (blue) in relation to the proposed garages and storm water pond. **Recommended Condition:** Easement shall be maintained not less than twenty feet.



Steep Slopes

The proposed southern building is within approximately 10 feet of the existing steep slope on the site. As described in the Steep Slopes Ordinance (19.15.110), disturbance of steep slope or within the steep slope margin area is subject to mandatory steep slope protection requirements. Pursuant to that ordinance, all slope protection requirements shall be furnished prior to issuance of any land disturbance or construction permit.

The FIP narrative includes "there are steep slopes along the southern boundary that will not be disturbed" (paragraph 5).

Recommended Condition: Civil Plan shall illustrate compliance with the Steep Slopes Ordinance.

Staff Recommendation

Whereas Altoona Municipal Code 19.64.190 "Final Implementation Plan – Approval":

A. Following a review of the final implementation plan, the plan commission shall recommend to the council that it be approved as submitted, approved with modifications, or disapproved.

B. Upon receipt of the plan commission's recommendation, the council may approve the plan and authorize the development to proceed accordingly, add or modify approval conditions, or disapprove the plan and send it back to the plan commission for further negotiation with the developer.

C. In the event of approval of the final implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the city offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time, as determined by the city council, in the county register of deeds' office. This shall be accomplished prior to the issuance of any building permit.

D. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Zoning Administrator or his/her designee and if, in the opinion of the Zoning Administrator, such change or addition constitutes a substantial alteration of the original plan, the procedure provided in Section 19.64.160, and in this subsection shall be required.

E. If, after approval of the final implementation plan, any portion or stage of the proposed development schedule established under subsection K of Section 19.64.180 is not met, then the plan commission may initiate the appropriate action to rezone the property which has not been developed in accordance with such development schedule to an appropriate zoning district or districts compatible with the surrounding area, as determined by the plan commission.

Therefore, Staff recommends that the Plan Commission recommend **approval** of the Final Implementation Plan for Creekside at Hillcrest Greens with the following modifications (conditions) of approval:

(1) The shared access easement shall be consistent with the existing Plat (2014-0318) 20 feet to the adjoining property to the west. The easement text shall be modified to incorporate public utility access within the same.



- (2) Submittal and successful review of final *storm water plan* and *civil site plan* by City Engineer as described in the *Altoona Municipal Code* Chapter 14. The civil plan shall illustrate compliance with the Steep Slopes Ordinance (19.15.110) and confirm autoturn access for municipal firetruck.
- (3) Provide dedicated pedestrian walkway separated from vehicle driving areas connecting the public sidewalk to those adjacent to the buildings.
- (4) Fire Department Connections (FDC) shall be 4" STORZ and located on the front of the building, near the water service lines.
- (5) The petitioner shall provide a revised storm water model for the proposed pond relocation to confirm compliance with Title 14 and any other applicable standards.
- (6) All exterior building and site lighting shall be shielded and full cut-off design.
- (7) No signs are indicated in the plan or approved through this permit.
- (8) The trash enclosures shall be comprised of building and site compatible materials such that bins are fully screened from the public right-of-way.
- (9) All HVAC equipment, regardless of location, shall be screened consistent with City standards.



VOLUME _____OF CERTIFIED SURVEY MAPS, PAGE _____

CERTIFIED SURVEY MAP, NUMBER_

LOCATED IN THE SOUTHEAST ¼ OF THE NORTHEAST ¼, SECTION 27, TOWNSHIP 27 NORTH, RANGE 9 WEST, CITY OF ALTOONA, EAU CLAIRE COUNTY, WISCONSIN BEING ALL OF LOT 94 OF CERTIFIED SURVEY MAP #2995, VOLUME 16 OF CERTIFIED SURVEY MAPS, PAGES 425-429, ALL OF LOT 2 OF CERTIFIED SURVEY MAP #3452, VOLUME 19 OF CERTIFIED SURVEY MAPS, PAGES 239-242, AND OUTLOT 9 OF HILLCREST GREENS

SURVEYOR'S CERTIFICATE:

I, PETER J. GARTMANN, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY: THAT BY THE DIRECTION OF JAMES ROONEY, I HAVE SURVEYED, DIVIDED AND MAPPED THE LAND PARCEL WHICH IS REPRESENTED BY THIS CERTIFIED SURVEY MAP.

THAT THE EXTERIOR BOUNDARY OF THE LAND PARCEL SURVEYED AND MAPPED IS AS FOLLOWS: A PARCEL OF LAND LOCATED IN THE SOUTHEAST ¼ OF THE NORTHEAST ¼, SECTION 27, TOWNSHIP 27 NORTH, RANGE 9 WEST, CITY OF ALTOONA, EAU CLAIRE COUNTY, WISCONSIN, BEING ALL OF LOT 94 OF CERTIFIED SURVEY MAP #2995, VOLUME 16 OF CERTIFIED SURVEY MAPS, PAGES 425-429, ALL OF LOT 2 OF CERTIFIED SURVEY MAP #3452, VOLUME 19 OF CERTIFIED SURVEY MAPS, PAGES 239-242, AND OUTLOT 9 OF HILLCREST GREENS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

• BEING ALL OF LOT 94 OF CERTIFIED SURVEY MAP #2995, VOLUME 16 OF CERTIFIED SURVEY MAPS, PAGES 425-429, ALL OF LOT 2 OF CERTIFIED SURVEY MAP #3452, VOLUME 19 OF CERTIFIED SURVEY MAPS, PAGES 239-242, AND OUTLOT 9 OF HILLCREST GREENS.

AND BEING SUBJECT TO EXISTING EASEMENTS.

THAT THIS CERTIFIED SURVEY MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY SURVEYED AND DESCRIBED, AND THE DIVISION OF IT. THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES, AE-7 OF THE WISCONSIN ADMINISTRATIVE CODE, AND THE SUBDIVISION REGULATIONS OF THE CITY OF ALTOONA, EAU CLAIRE COUNTY, WISCONSIN IN SURVEYING AND MAPPING THE SAME.

_____ DATED THIS _____ DAY OF _____, 2019 PETER J. GARTMANN, P.L.S. NO. 2279

CERTIFICATE OF THE ALTOONA CITY COUNCIL:

THE CITY OF ALTOONA HEREBY CERTIFIES THIS CERTIFIED SURVEY MAP COMPLIES WITH THE CITY OF ALTOONA'S MUNICIPAL CODE SUBDIVISION ORDINANCE AND IS APPROVED BY THE ALTOONA CITY COUNCIL PURSUANT TO THE SUBDIVISION ORDINANCE.

APPROVED THIS_____ DAY OF _____, 2019

BY THE ALTOONA COMMON COUNCIL

BRENDAN PRATT, CITY OF ALTOONA MAYOR

Owner: Rooney Properties, LLC 13167 County Road OO Chippewa Falls, WI 54729

VOLUME _____OF CERTIFIED SURVEY MAPS, PAGE ______

CERTIFIED SURVEY MAP, NUMBER_

LOCATED IN THE SOUTHEAST ¼ OF THE NORTHEAST ¼, SECTION 27, TOWNSHIP 27 NORTH, RANGE 9 WEST, CITY OF ALTOONA, EAU CLAIRE COUNTY, WISCONSIN BEING ALL OF LOT 94 OF CERTIFIED SURVEY MAP #2995, VOLUME 16 OF CERTIFIED SURVEY MAPS, PAGES 425-429, ALL OF LOT 2 OF CERTIFIED SURVEY MAP #3452, VOLUME 19 OF CERTIFIED SURVEY MAPS, PAGES 239-242, AND OUTLOT 9 OF HILLCREST GREENS

OWNER'S CERTIFICATE OF DEDICATION:

JAMES ROONEY, AS OWNER, HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ON THIS CERTIFIED SURVEY MAP.

WITNESS THE HAND AND SEAL OF SAID OWNER THIS _____ DAY OF _____, 2019

JAMES ROONEY

STATE OF WISCONSIN COUNTY OF ______SS

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2019, THE ABOVE NAMED JAMES ROONEY, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME TO BE HIS OWN FREE ACT AND DEED.

_____ NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CADD No. 19056

SHEET 3 OF 3 SHEETS

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Agenda >>

Summary >>



NOTICE OF PUBLIC HEARING City of Altoona 2019 Street Project Regarding Special Assessments for the Bartlett Avenue/CTH KB Reconstruction-Phase 2 Project

NOTICE IS HEREBY GIVEN that on Thursday, July 25, 2019 at 6:00 p.m. (or as soon thereafter as is practical) there will be a public hearing in the Council Chambers at Altoona City Hall located at 1303 Lynn Avenue, to exercise its police powers pursuant to section 66.0703, Wisconsin Statutes to levy special assessments upon properties in the areas hereinafter described for the benefits conferred upon said properties by the reconstruction generally consisting of grading, gravel, asphaltic concrete paving, concrete curb and gutter, water main and appurtenances, sanitary sewer and appurtenances, driveways, multi-use trail, and lawn restoration.

The construction will include the following street segments.

• Bartlett Avenue/CTH KB from Walden Court easterly to the City Limits.

A Report from the Director of Public Works is available and on file with the City Clerk. All interested parties are invited to attend. Said hearing shall be held before the common council. If unable to attend, submit your opinion in writing prior to the public hearing. If you have any questions, call the Director of Public Works at 715/839-6092.

Please Take Further Notice that the Common Council, at its July 25, 2019 meeting, may entertain the passage of a Final Resolution to construct the improvements and to impose special assessments thereof.

Dated this 12th day of July, 2019

Cenchy Bunes

Cindy Bauer City Clerk

Published Monday, July 15, 2019

Agenda >> Summary >>

FINAL RESOLUTION AUTHORIZING STREET AND UTILITY IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR THE BARTLETT AVENUE/CTH KB RECONSTRUCTION-PHASE 2 PROJECT AS FURTHER DESCRIBED BELOW:

The construction will include the following street segment. a. Bartlett Avenue/CTH KB from Walden Court easterly to the City Limits.

WHEREAS, the Common Council of the City of Altoona, Wisconsin held a public hearing in the Council Chambers at Altoona City Hall at 1303 Lynn Avenue at approximately 6:00 p.m. on July 25, 2019 for the purpose of hearing all interested persons concerning the preliminary resolution and the report of the Director of Public Works including the plans pertaining to the proposed improvements and construction of the above described assessment district in the City of Altoona for the Bartlett Avenue/CTH KB Reconstruction-Phase 2 Project. Items include grading, gravel, asphaltic concrete paving, concrete curb and gutter, water main and appurtenances, sanitary sewer and appurtenances, driveways, multi-use trail, and lawn restoration.

WHEREAS, notice of aforesaid public hearing was duly and properly published in the Eau Claire Leader Telegram as confirmed by the Proof of Publication on file with the City Clerk and such notice was duly and properly posted at City Hall; and

WHEREAS, all persons who desired to speak at said public hearing were heard, and

WHEREAS, the Common Council has reviewed the reports of the City Engineer and has considered all the comments of persons appearing at the public hearing;

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Altoona, Wisconsin, determines as follows:

- 1. The report of the City Engineer pertaining to the construction of the above described public improvements, including the plans and specifications and assessments as given, is hereby adopted and approved and available for review at City Hall.
- 2. The City Engineer is directed to carry out the work of such improvements in accordance with the aforesaid report.
- 3. Payment, in part, for the improvements shall be made by assessing \$382,883.67 of the estimated total project cost of \$1,804,193.50 to property benefited as indicated in the report, provided such amount shall be reduced if the cost of project is less than estimated, and further provided that such amount may be increased if the cost of the project is more (but not materially more) than estimated, pursuant to \$66.60(10) and (11) Wis. Stats.
- 4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis and are hereby confirmed.
- 5. The assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or all assessments jointly for any purpose or purposes.
- 6. Assessments may be paid in full within 45 days at the time of initial billing, or, alternatively, in ten (10) annual installments that bear an interest rate of 4.6% per year on any unpaid balance. The initial billing is anticipated in 2020, upon project completion. The remaining payments will be placed on the next tax roll after the paid in full due date.

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- 7. Principal payments on assessments may be deferred for those affected property owners that meet criteria set forth in Chapter 3.26, City Assumption of Special Assessments, until such time as the title to the subject property is transferred by any means. Property owners that receive approval for a deferment of paying the principle will be required to make annual interest payment at a rate of 6.00% per year on any unpaid balance.
- 8. The City Clerk is directed to publish this resolution as a Class I notice in the official newspaper and to mail a copy of this resolution and a statement of the final assessments against each property together with notice of installment payment privileges to every property owner whose name appears on the assessment report or whose post office address is known or can with reasonable diligence be determined.

Approved this 25th day of July, 2019.

Brendan Pratt, Mayor

Attest: Cynthia Bauer, City Clerk

Date of publication:

-2-

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Agenda >>

Summary >>



NOTICE OF PUBLIC HEARING City of Altoona 2019 Street Project Regarding Special Assessments for the 2019 Hayden's Addition Reconstruction project

NOTICE IS HEREBY GIVEN that on Thursday, July 25, 2019 at 6:05 p.m. (or as soon thereafter as is practical) there will be a public hearing in the Council Chambers at Altoona City Hall located at 1303 Lynn Avenue, to exercise its police powers pursuant to section 66.0703, Wisconsin Statutes to levy special assessments upon properties in the areas hereinafter described for the benefits conferred upon said properties by the reconstruction generally consisting of grading, gravel, asphaltic concrete paving, concrete curb and gutter, water main and appurtenances, sanitary sewer and appurtenances, driveways, sidewalk, and lawn restoration.

The construction will include the following street segments.

- a) Hayden Avenue, from 3rd Street East to approximately 479 feet east.
- b) Garfield Avenue, from 3rd Street East to the easterly end of Garfield Avenue.
- c) 4th Street East, from Daniels Avenue to Hayden Avenue.

A Report from the Director of Public Works is available and on file with the City Clerk. All interested parties are invited to attend. Said hearing shall be held before the common council. If unable to attend, submit your opinion in writing prior to the public hearing. If you have any questions, call the Director of Public Works at 715/839-6092.

Please Take Further Notice that the Common Council, at its July 25, 2019 meeting, may entertain the passage of a Final Resolution to construct the improvements and to impose special assessments thereof.

Dated this 12th day of July, 2019

Cindy Barros

Cindy Bauer City Clerk

Published Monday, July 15, 2019

RESOLUTION NO: 7D-19

Agenda >> Summary >>

FINAL RESOLUTION AUTHORIZING STREET AND UTILITY IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY FOR THE 2019 HAYDEN'S ADDITION RECONSTRUCTION PROJECT AS FURTHER DESCRIBED BELOW:

The construction will include the following street segment.

- a) Hayden Avenue, from 3rd Street East to approximately 479 feet east.
- b) Garfield Avenue, from 3rd Street East to the easterly end of Garfield Avenue.
- c) 4th Street East, from Daniels Avenue to Hayden Avenue.

WHEREAS, the Common Council of the City of Altoona, Wisconsin held a public hearing in the Council Chambers at Altoona City Hall at 1303 Lynn Avenue at approximately 6:05 p.m. on July 25, 2019 for the purpose of hearing all interested persons concerning the preliminary resolution and the report of the Director of Public Works including the plans pertaining to the proposed improvements and construction of the above described assessment district in the City of Altoona for the 2019 Hayden's Addition Reconstruction Project. Items include grading, gravel, asphaltic concrete paving, concrete curb and gutter, water main and appurtenances, sanitary sewer and appurtenances, driveways, sidewalk, and lawn restoration.

WHEREAS, notice of aforesaid public hearing was duly and properly published in the Eau Claire Leader Telegram as confirmed by the Proof of Publication on file with the City Clerk and such notice was duly and properly posted at City Hall; and

WHEREAS, all persons who desired to speak at said public hearing were heard, and

WHEREAS, the Common Council has reviewed the reports of the City Engineer and has considered all the comments of persons appearing at the public hearing;

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Altoona, Wisconsin, determines as follows:

- 1. The report of the City Engineer pertaining to the construction of the above described public improvements, including the plans and specifications and assessments as given, is hereby adopted and approved and available for review at City Hall.
- 2. The City Engineer is directed to carry out the work of such improvements in accordance with the aforesaid report.
- 3. Payment, in part, for the improvements shall be made by assessing \$454,457.60 of the estimated total project cost of \$993,741.45 to property benefited as indicated in the report, provided such amount shall be reduced if the cost of project is less than estimated, and further provided that such amount may be increased if the cost of the project is more (but not materially more) than estimated, pursuant to \$66.60(10) and (11) Wis. Stats.
- 4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis and are hereby confirmed.
- 5. The assessments for all projects included in said report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately or all assessments jointly for any purpose or purposes.
- 6. Assessments may be paid in full within 45 days at the time of initial billing, or, alternatively, in ten (10) annual installments that bear an interest rate of 4.6% per year on any unpaid balance. The initial billing is anticipated in 2020, upon project completion. The remaining payments will be placed on the next tax roll after the paid in full due date.

- 7. Principal payments on assessments may be deferred for those affected property owners that meet criteria set forth in Chapter 3.26, City Assumption of Special Assessments, until such time as the title to the subject property is transferred by any means. Property owners that receive approval for a deferment of paying the principle will be required to make annual interest payment at a rate of 6.00% per year on any unpaid balance.
- 8. The City Clerk is directed to publish this resolution as a Class I notice in the official newspaper and to mail a copy of this resolution and a statement of the final assessments against each property together with notice of installment payment privileges to every property owner whose name appears on the assessment report or whose post office address is known or can with reasonable diligence be determined.

Approved this 25th day of July, 2019.

Brendan Pratt, Mayor

Attest: Cynthia Bauer, City Clerk

Date of publication:

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City Council | July 25, 2019 New Business | Item 6 | Page 1 of 1

Schedule for Successor of Agent

Agenda >> Summary >>

If there is a change in agent, each club, corporation, or limited liability company who holds a retail permit to sell fermented malt beverages and/or intoxicating liquor must appoint a successor agent pursuant to sec. 125.04(6), Wis. Stats. There is a \$10 change in agent processing fee due with this form. The following questions must be answered by the Agent. The appointment must be signed by an officer of the corporation/organization or one member of limited liability company. (Only one signature is required). The appointment must be approved by the licensing authority.

		ALTOONA	Wisconsin	07/08 (Date)	20
		(Municipality)		(Date)	
1. Name of age	ent JEROME BERG				
Yes No					
2. 🖌 🗌	Are you of legal drinking age?				
3. 🖌 🗌	Have you been a resident of Wisconsin for	or at least 90 continuous days prior	to the date of ap	pointment as	agent?
4.	Have you ever been convicted of a feder	al law violation?			
5.	Have you ever been convicted of a state	law violation?			
6.	Have you ever been convicted of a local	ordinance violation?			
7. 🖌 🗌	Have you completed the required respon	sible beverage server program per	sec. 125.04(5)(a)	5, Wis. Stats	3.?
UNDER PENAL	LTY OF LAW, I declare that all of the ab	oove information is true and correct	to the best of my	knowledge	and belief.
\$1,000.	o knowingly provides materially false inforr		(Signature of Age I, MONDOVI, I (Address)	nt)	
	su	ICCESSOR AGENT			
	ed appoints BERG with sec. 125.04(6), Wis. Stats.	ame of Permittee CENERGY, LLC			as agent
Date07/08	20 19	By QA	Signature of Officer / N	Aember)	
	appointment as agent for <u>CENERGY</u> , Li y of the conduct of the business relative to		oxicating liquors.	and	lassume
			(<u></u>		

Date 07/05 20 19

(Signature of Agent)

THE AGENT APPOINTED ABOVE MUST BE APPROVED BY THE LICENSING AUTHORITY TO BE EFFECTIVE. (See sec. 125.04(6), Wis. Stats.)

CK# 07578 Reit# 92402 \$1000

18 20 19 nnc(Munieipality) Signature of Official) Police (Title)

AT-107a (R. 7-18)

Wisconsin Department of Revenue
City Council | July 25, 2019 New Business | Item 7

Agenda >>

Summary >>

NO MATERIALS

Agenda >> Summary >>

ORDINANCE 7G-19

An ordinance of the Altoona Common Council repealing Chapter 9.44 of the Altoona Municipal Code "Panhandling" regulating the action of panhandling in its entirety.

THE COMMON COUNCIL OF THE CITY OF ALTOONA DOES HEREBY ORDAIN AS FOLLOWS:

Section One: That Chapter 9.44 "Panhandling" as shown below, is hereby repealed in its entirety:

Chapter 9.44

PANHANDLING

Sections:

<u> </u>	— Purpose.
9.44.020	— Definitions.
9.44.030	Panhandling prohibited.
9.44.040	Aggressive panhandling prohibited.
<u> </u>	
9.44.060	<u> </u>

9.44.010 Purpose.

This ordinance does not limit any persons from exercising their constitutional right to solicit funds, picket, protest, or engage in other constitutionally protected activity. The purpose of this ordinance is to ensure unimpeded pedestrian and vehicular traffic flow, to reduce traffic distractions, to maintain and protect the physical safety and well-being of pedestrians, and to otherwise foster a safe and harassment-free climate in public places.

9.44.020 Definitions.

The following definitions apply to all following sections:

A. Behavior shall be construed as "aggressive" if a reasonable individual is deterred from passing through or remaining in or near any thoroughfare or place open to the public because of concern or apprehension due to the following intentional behaviors:

1. Approaching, speaking, or following a person in a manner that would cause a reasonable person to fear;

2. Touching another person without consent;

3. Blocking or interfering with the free passage of a person.

B. "Panhandling" means begging, soliciting, or asking for any item of value, attempting to sell or obtain compensation for an item or service for an amount that is at least twice its value, or an item or service that is already offered or available at no charge to the general public, or attempting to sell or obtain compensation for an item or service under circumstances that would lead a reasonable person to conclude that the payment is in substance a donation.

C. "Public place" or "place open to the public" means an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways or entrances in buildings or dwellings and the grounds enclosing them.

D. "Intersection" has the meaning designated in Wis. Stat. § 340.01(25).

E. An "automated teller machine" is a device linked to a financial institution's account records which is able to carry out transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries and mortgage and loan payments.

9.44.030 Panhandling prohibited.

It shall be unlawful for any person to engage in the act of panhandling when either the panhandler or the person being solicited is located at any of the following locations:

A. At a bus stop;

B. At an intersection;

C. On a public sidewalk while sitting or reclining;

D. In any public transportation vehicle or public transportation facility;

E. In a vehicle which is parked or stopped in places open to the public;

F. In a sidewalk café;

G. Within 20 feet of an automatic teller machine or financial institution;

H. On private property, except with the explicit permission of the owner.

9.44.040 Aggressive panhandling prohibited.

It shall be unlawful for any person to engage in the act of aggressive panhandling at any location within the city.

9.44.050 Activities consistent with direct sellers.

The activities of panhandlers are sometimes consistent with direct sellers (transient merchants), which are regulated through Chapter 5.32. The Direct Seller's Ordinance is to be read consistent with this chapter. In the event provisions of this chapter are inconsistent with the Direct Seller's Ordinance, the more restrictive provision will apply.

9.44.060 Violation – Penalty.

Any person who violates any of the provisions of this chapter shall, upon conviction, incur a penalty as provided in Chapter 1.08. (Ord 12D-15, 2015)

Section Two: That this Ordinance shall take effect upon its adoption and publication as required by law.

Dated this <u>25th</u> day of <u>July</u>, 2019.

CITY OF ALTOONA

By:_

Brendan Pratt, Mayor

By:_

Cindy Bauer, City Clerk

Approved:	
Published:	
Adopted:	

August 27, 2018

Mayor Brandon Pratt City of Altoona 1303 Lynn Avenue Altoona, WI 54720

Dear Mayor Pratt,

We are writing to inform you that the City of Altoona's panhandling ordinance, § 9.44, is likely unconstitutional as drafted and requires significant revision or repeal. We ask that the City of Altoona take the opportunity to resolve this issue.

Across the country, cities have enacted panhandling ordinances that significantly burden the freedom of speech of the most vulnerable among us. These ordinances effectively criminalize poverty by improperly limiting the ability of the destitute to seek assistance from their fellow members of society. While a municipality may have an interest in the safety of the public on its streets, it cannot come at the expense of protected speech. The ACLU of Wisconsin is committed to protecting the freedom of speech for all citizens, particularly those whose speech is unpopular or stigmatized.

As you may be aware, the Supreme Court ruled several years ago, in *Reed v. Town of Gilbert*, that ordinances that regulate speech based on its topic, even if they do not discriminate based on the viewpoint of the speaker, are content-based and presumptively unconstitutional. 135 S.Ct. 2218, 2230 (2015). Courts across the country, including the Seventh Circuit, have applied that reasoning to strike down ordinances banning or restricting panhandling, holding them to be content-based restrictions on speech. *See Norton v. City of Springfield*, 806 F.3d 411, 412 (7th Cir. 2015); *Browne v. City of Grand Junction*, 136 F. Supp. 3d 1276 (D. Col. 2015); *McLaughlin v. City of Lowell*, 140 F. Supp. 3d 177 (D. Mass. 2015); *Thayer v. City of Worcester*, 144 F. Supp. 3d 218, 233-34 (D. Mass 2015); Homeless *Helping Homeless, Inc. v. City of Tampa*, 2016 WL 4162882 (M.D. Fla. 2016). To our knowledge, no court has upheld provisions of a panhandling ordinance challenged subsequent to *Reed*.

Altoona Code § 9.44 suffers from the same flaws as the ordinances challenged in these cases. This ordinance bans panhandling at a bus stop; at an intersection; on a public sidewalk while sitting or reclining; in any public transportation vehicle; in a parked vehicle; in a sidewalk café; within 20 feet of an ATM or financial institution; or on private property, except with permission of the owner. Altoona Code § 9.44.030.



AMERICAN CIVIL LIBERTIES UNION FOUNDATION Wisconsin

207 East Buffalo Street, Suite 325 Milwaukee, WI 53202 (414) 272-4032 aclu-wi.org



"Aggressive panhandling" is unlawful everywhere in Altoona, defined as "if a reasonable individual is deterred from passing through or remaining in or near any thoroughfare or place open to the public because of concern or apprehension" due to intentionally approaching, speaking to, or following a person in a manner that would cause a reasonable person to fear; touching another person without their consent; or blocking or interfering with their free passage. Altoona Code § 9.44.020(A) & 9.44.040.

The stated purpose of the ordinance is to "ensure unimpeded pedestrian traffic flow, to maintain and protect the physical safety and well-being of pedestrians and to otherwise foster a safe and harassment-free climate in public places in the city." Altoona Code § 9.44.010. Of these stated purposes, courts have held that only physical safety meets the compelling standard required by strict scrutiny. *See, e.g., McLaughlin*, 140 F. Supp. 3d at 190. And even if § 9.44 was put in place to protect the public from persons purportedly behaving in a violent or aggressive manner, the existing state disorderly conduct statute, § 9.34, already provides a method to address that concern. By enforcing its anti-panhandling ordinance, Altoona is adding additional criminal penalties to such conduct based on the nature of the speech involved, and invading First Amendment rights in the process. *See, e.g., Browne*, 136 F. Supp. 3d at 1294. Further, restricting panhandling speech from certain locations does not protect the public from any harm, other than protecting them from hearing discomfiting speech. The comfort of passersby to hear only the speech they desire is not a compelling government interest that would allow a statute restricting speech to survive strict scrutiny. *See McLaughlin*, 140 F. Supp. 3d at 189.

Through the ACLU's investigation, we have learned of several jurisdictions that are actively enforcing outdated anti-begging ordinances – whether by means of citations, warnings, or moveon orders. We understand, however, that some municipalities may have allowed such unconstitutional ordinances to stay on the books, but have no intention of enforcing them. Your municipality may be one such jurisdiction. Even if that is the case, it is important to remove this archaic law from the municipal code. Leaving the law on the books raises the very real possibility that, at some point in the future, an energetic law enforcement officer will review the entirety of the municipal code and begin enforcing the ordinance.

Required Action

Based on the foregoing, we ask Altoona to take the following immediate actions:

- Stop enforcing Altoona Code § 9.44. This requires instructing any law enforcement officers charged with enforcing the municipal code that Altoona Code § 9.44 is no longer to be enforced in any way, including by issuance of citations, warnings, or move-on orders.
- Immediately initiate the steps necessary to repeal Altoona Code § 9.44.
- If there are any pending prosecutions under Altoona Code § 9.44, dismiss them.

We request that you notify us regarding how your municipality will proceed no later than September 15, 2018. We also request that you respond to the accompanying open records request by the same date.

City of Altoona | July 25, 2019 New Business | Item 8 | Page 5 of 5

Sincerely, 2 Karyn L. Rotker

Senior Staff Attorney krotker@aclu-wi.org (414) 272-4032 ext. 221

R. Timothy Muth Staff Attorney tmuth@aclu-wi.org (414) 272-4032 ext. 222

Enc. Open Records Request

Agenda >> Summary >>

ORDINANCE NO. 7H-19

An ordinance of the Altoona Common Council amending Chapter 10.20 of the Altoona Municipal Code "Stopping, Standing and Parking" specifically to amend Sections 10.20.030 and 10.20.075 relating to parking prohibited and two-hour parking zone established.

THE COMMON COUNCIL OF THE CITY OF ALTOONA DOES HEREBY ORDAIN AS FOLLOWS:

Section One: That Section 10.20.030 "Parking prohibited from two a.m. to six a.m." is hereby amended to add Section 10.20.030 C. On the north and south side of Lynn Avenue from Division Street to First Street West.

Section Two: That Section 10.20.075 be amended to change the one-hour parking zone to two-hour parking zone and add Section 10.20.075 C. On the north side of Lynn Avenue from Division Street to First Street West.

Section Three: A copy of Chapter 10.20 is permanently on file and open to public inspection in the office of the Altoona City Clerk, and is incorporated by reference herein.

Section Four: This Ordinance shall take effect and be in force from and after its passage and publication.

Dated this <u>25th</u> day of <u>July</u>, 2019.

Brendan Pratt, Mayor

Cindy Bauer, City Clerk

Approved:	
Published:	
Adopted:	

Chapter 10.20

STOPPING, STANDING AND PARKING

Sections:	
10.20.010	Parking prohibited where.
10.20.015	Parking prohibited during seasonal calendar parking.
10.20.020	Parking limitations generally.
10.20.025	Vehicle storage on street prohibited.
10.20.028	Parking on frontage roads.
10.20.030	Parking prohibited from two a.m. to six a.m.
10.20.040	Overnight parking of certain vehicles on city streets.
10.20.050	Parking prohibited during school hours.
10.20.052	One hour parking zone during school hours.
10.20.055	Two hour parking zone during school hours.
10.20.057	Twenty-four hour alternative side parking on certain roads during the
	school year
10.20.070	Ten-minute parking zone
10.20.075	One-hour Two-hour parking zone.
10.20.080	Stopping or standing on street crossings prohibited.
10.20.090	Parking Prohibition: Hotel Guests Only 11 p.m. to 7 a.m.
10.20.095	Parking Prohibition: Altoona Recreation Department Visitors Only 7:30 a.m.
	to 4 p.m. on Weekdays.
10.20.100	River Prairie Angled/Back-In Parking.
10.20.105	Mobile Food Vendor Parking.
10.20.110	Illegally parked vehicle—Police officer authority.
10.20.120	Truck and trailer parking in city hall parking lot and adjoining alley
	prohibited.
10.20.124	Parking Prohibited: Loading and Unloading Passengers Only: 7:00 a.m. to
	4:00 p.m. During School Days.
10.20.125	Loading zone.
10.20.126	Handicapped persons—Parking.
10.20.128	Parking in city parks.
10.20.130	Penalties for violations.

Repealed and Replaced Chapter 10.22 on 11/25/14, Ordinance 11A-14

10.20.010 Parking prohibited where.

No vehicle shall be parked or left standing on the following streets or avenues, either day or night:

A. The south side of Spooner Avenue from First Street West east one hundred thirty-nine feet towards Division Street;

B. The north side of Spooner Avenue from Tenth Street West west for a distance of one hundred seventy-five feet towards Eleventh Street West, said area being a bus stop;

C. The east side of Fairfax Avenue for its entire length;

D. The east and west sides of Third Street East from Barlett Avenue to Lawrence Avenue;

E. On the north and south side of N Beach Road/County Trunk Highway "KB" between Kewin Street and six hundred feet east to the city limits;

F. On the north and south side of Kewin Avenue between CTH "KB" and Burkart Street;

G. The north side of Spooner Avenue from Tenth Street W., east to a point of three hundred twenty-five feet of Seventh Street W.;

H. Both sides of Spooner Avenue between Fairfax Avenue and the Otter Creek bridge;

I. The south side of Spooner Avenue from its intersection with the right-of-way of 10th Street West to a point fifty feet west of said intersection;

J. Both sides of Spooner Avenue from its intersection with the right-of-way of Willson Drive to a point two hundred feet east of said intersection and two hundred feet west of said intersection;

K. The north side of Gloede Avenue from its intersection with the right-of-way of Princeton Street to a point fifty feet east of said intersection;

L. The north side of Sherwin Avenue from the westerly city limits to the intersection of the right-of-way to Orchard Lane;

M. The east side of McCann Drive from the intersection of Hillcrest Parkway to Devney Drive. (Ord. 10A-98, 1998; Ord. 6F-93, 1993; Ord. 11L-91 (part), 1991; Ord. 3B-91 (part), 1991; Ord. 11C- 90, 1990; Ord. 11B-88, 1988; Ord. 9B-88, 1988; Ord. 8A-86, 1986; Ord. 12B-85, 1985; Ord. 11A-85, 1985; Ord. 10B-85, 1985; Ord. 6D-84, 1984; Ord. 5A-84, 1984; Ord. 7A-83 (part), 1983; Ord. 2A-83, 1983; Ord. 6B-82, 1982; Ord. 54, 1979; Ord. 37, 1979; Ord. A-107 (part), 1974: Ord. A-85 (part), 1973: prior code § 4.04(3)(a))

N. The east and west sides of North Willson Drive from Spooner Avenue to New Pine Drive; (Ord 5B-07)

O. The east and west sides of North Willson Drive from Fairway Drive to OakLeaf Way;

P. The south side of High Point Drive for its entire length;

Q. The west side of 2nd Street East from Bartlett Avenue to the south dead end; (2B-10, 2010);

R. Both sides of North 10th Street West starting at a point 1,010 feet north of the intersection with Spooner Avenue going northwesterly along the curve for a distance of 575 feet;

S. The north side of Kewin Street northwesterly from the intersection with Burkart Street to Lake Front Park;

T. Both sides of North Hillcrest Parkway starting at the intersection with 10th Street West going easterly and along the S-Curve until the common property line of lot addresses 2136 and 2204;

U. The inside curve of each L-shaped intersection as identified by the city engineer and accordingly marked by the chief of police to give all motor vehicle operators notice of the parking restriction.

V. Tenth Street, the east side from North Hillcrest Parkway to a point ninety (90) feet north. (Ord 10C-16, 2016)

10.20.015 Parking prohibited during seasonal calendar parking.

Parking along the following during seasonal calendar parking as defined by Chapter 10.19 shall be prohibited:

A. Along the circumference of all culs-de-sac;

B. Both sides of Princeton Avenue between Hamilton Avenue and Gloede Avenue.

10.20.020 Parking limitations generally.

When signs are erected in any block giving notice thereof, no person shall park a vehicle for longer than the period hereinafter specified at any time between the hours of seven a.m. and six p.m. except on Sundays and legal holidays. (Prior code § 4.04(1))

10.20.025 Vehicle storage on street prohibited.

It is unlawful for any person to leave or park any vehicle at any one place upon any street or alley for a period of more than forty-eight consecutive hours. Each consecutive forty-eight-hour period during which such vehicle is not moved at least seventy-five feet shall constitute a separate offense. (Ord. 12A-80, 1980)

10.20.028 Parking on frontage roads.

Parking on frontage roads as defined in Section 12.22.010 shall be limited to one side of the frontage road. Upon the opening of any frontage roads within the city, the city engineer and police chief

shall determine which side of the frontage road shall be declared the no-parking side. The chief of police shall then be responsible for marking the street accordingly to give all motor vehicle operators notice of the parking restrictions. (Ord. 2B-83 (part), 1983)

10.20.030 Parking prohibited from two a.m. to six a.m.

No vehicle shall be parked or left standing on the following streets or avenues between the hours of two a.m. and six a.m.:

- A. On the west side of First Street West from Spooner Avenue to Lynn Avenue;
- **B.** On the west side of Third Street West from Bartlett Avenue to Daniels Avenue. (Ord. 1A-97, 1997: Ord. A-107 (part), 1974: Ord. A-85 (part), 1973: prior code § 4.04(3)(b));
- C. On the north and south side of Lynn Avenue from Division Street to First Street West.

10.20.040 Overnight parking of certain vehicles on city streets.

No vehicle over twenty feet in length, as measured from bumper to bumper, shall be parked or left standing on any city street between the hours of two a.m. and six a.m. (Ord. 12D-85, 1985)

10.20.050 Parking prohibited during school hours.

No vehicle, other than school buses in areas so designated, shall be parked or left standing on the following streets during school hours:

A. The south side of Bartlett Avenue between 6th Street West and 5th Street West, and from 40 feet east of 5th Street West to 4th Street West;

B. The west side of 3rd Street West between Bartlett Avenue and Daniels Avenue;

C. The east side of 7th Street West from Daniels Avenue to Bradwood Avenue. (Ord 1A-14, part, 2014, Ord. 5C-01, Ord. 12A-97, 1997; Ord. 9A-97, 1997; Ord. 9A-88 (part), 1988; Ord. A-111, 1975: Ord. A-107 (part), 1974: Ord. A-85 (part), 1973: prior code § 4.04(3)(e))

10.20.052 One Hour Parking Zone During School Hours.

No vehicles shall be parked or left standing on the following streets for more than one hour during school hours:

A. On the east side of Seventh Street West from Bradwood Avenue southerly a distance of 46 feet. (Ord. 5D-01)

10.20.055 Two hour parking zone during school hours.

No vehicle shall be parked or left standing on the following streets for more than two hours during school hours:

A. The north side of Bartlett Avenue, from Seventh Street West to Third Street West;

B. The west side of 7th Street West between Bartlett Avenue and James Avenue; (Ord 5E-01)

C. The north and south sides of Daniels Avenue from its intersection with 7th Street West to a point 400 feet west of said intersection;

D. The north and south sides of James Avenue between 7th Street West and Feather Court;

E. The north and south sides of Bradwood Avenue from its intersection with 7th Street West to a point 400 feet west of said intersection; (Ord. 9A-88 (part), 1988; Ord. 10A-81, 1981)

F. The east side of Third Street West, from Bartlett Avenue to Daniels Avenue.

10.20.057 Twenty-four hour alternative side parking on certain roads during the school year.

Beginning on the first day of school and ending on, and including, the last day of school each year, alternative side parking will be enforced on the following roads, subject to the following restrictions:

A. Affected streets shall include the following:

1. Seventh Street West, from Bartlett Avenue to Garfield Avenue;

- 2. Sixth Street West, from Bartlett Avenue to Garfield Avenue;
- 3. Fifth Street West, from Bartlett Avenue to Garfield Avenue;
- 4. Fourth Street West, from Bartlett Avenue to Garfield Avenue;
- 5. Third Street West, from Bartlett Avenue to Garfield Avenue;
- 6. Garfield Avenue, from Seventh Street West to Third Street West;

B. Person(s) may park on the streets noted above provided each vehicle parked, stopped or left standing on even number days, is on the even-addressed side of the street, and on odd number days, the odd-addressed side of the street; provided, however the exceptions noted below apply.

Residents shall park in the evening after 5:00 p.m. subject to the next day's number, not the present evening's number, and the restriction shall not be enforced between 5 p.m. and 9 p.m. each day in order to allow for movement of vehicles from one side of the roadway to the other.

C. No person(s) shall be in violation of this subsection if prior to receiving any citation telephone notification to the Police Department stating the inability to comply with this subsection due to a disabled vehicle is made. Caller shall provide make, model, license number and location of disabled vehicle and shall have said vehicle moved to an acceptable location within 18 hours from time of notification.

D. The provisions of this section shall not supersede more restrictive parking regulations, including the provisions in effect during snow emergencies. In the event that certain streets or parts thereof are subject to more restrictive parking regulations, the more restrictive parking regulations shall govern. (Ord 1A-14, part, 2014)

10.20.070 Ten-minute parking zone.

No vehicle shall be parked or left standing on the following streets for more than ten minutes:

A. On the north side of Lynn Avenue from Division Street to a point fifty-five feet easterly towards First Street East;

B. On the east side of Division Street from Lynn Avenue to a point fifty-two feet northerly towards Spooner Avenue. (Ord. A-107 (part), 1974: Ord. A-85 (part), 1973: prior code § 4.04(3)(e))

C. On the south side of St. Andrews Drive from Southern Hills Court westerly 150 feet. (Part Ord. 7C-18, 2018).

10.20.075 One-hour <u>Two-hour</u> parking zone.

No vehicle shall be parked or left standing at the following locations for more than one two hours:

A. On the south side of Lynn Avenue from Division Street to a point thirty-five one hundred thirty-five feet west of Division Street;

B. On the west side of Division Street from Lynn Avenue to a point thirty-five feet south of Lynn Avenue. (Ord. 13, 1977);

C. On the north side of Lynn Avenue from Division Street to First Street West.

10.20.080 Stopping or standing on street crossings prohibited.

It is unlawful for any railroad train, locomotive or other railroad equipment to block any street crossing within the city limits longer than ten minutes. Exceptions to this section are trains in continuous motion in one direction and in cases of an accident. The nearest railroad official or agent in charge thereof or responsible therefor who shall violate this section shall upon conviction be punishable as set forth in Chapter 1.08 of this code. (Ord. 12B-88, 1988: Ord. A-55, 1970: prior code § 13.02(4))

10.20.090 Parking Prohibition: Hotel Guests Only 11 p.m. to 7 a.m.

No person, other than hotel guests, shall park or leave standing a vehicle on the following streets from 11 p.m. to 7 a.m.:

1. The east side of Bluestem Boulevard, from Blazing Star Blvd to Front Porch Place. (Ord 6D-16, 2016)

10.20.095 Parking Prohibition: Altoona Recreation Department Visitors Only 7:30 a.m. to 4 p.m. on Weekdays.

No person, other than Altoona Recreation Department visitors, shall park or leave standing a vehicle on the following streets from 7:30 a.m. to 4 p.m.:

1. The south side of Front Porch Place, the first six stalls northeast of the Front Porch Place/Meadowlark Lane Roundabout. (Part Ord. 7C-18, 2018).

10.20.100 River Prairie Angled/Back-In Parking

No person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by signs or markings in River Prairie.

1. If back-in parking signs or markings are in place on a street or portion thereof, then the rear wheel nearest the curb shall be within eighteen inches of said curb on such street or portion thereof that is marked or posted with such back-in parking signs or markings. (Ord 10A-17, 2017)

10.20.105 Mobile Food Vendor Parking

No person shall park or stand a vehicle other than licensed mobile food vendors, when signs are displayed, at the following locations.

1. Front Porch Place, north and south side, the curb-side parking area directly adjacent to The Plaza. (Part Ord. 7C-18, 2018).

10.20.110 Illegally parked vehicle—Police officer authority.

Any police officer finding a vehicle parked upon the street in violation of the provisions of Sections 10.20.025, 10.20.090 and 10.20.100 is authorized to have such vehicle removed and the cost thereof charged to the owner, or require the operator in charge thereof to move such vehicle to a position permitted under these provisions. (Ord. 10B-81, 1981: Ord. A-36 § (c), 1967: prior code § 4.04(2))

10.20.120 Truck and trailer parking in city hall parking lot and adjoining alley prohibited.

No one shall park any truck or trailer in the city hall parking lot or upon the alley adjacent to said parking lot. (Ord. 40 (part), 1979)

10.20.124 Parking Prohibited; Loading and Unloading Passengers Only: 7:00 a.m. to 4:00 p.m. During School Days.

When signs or parking meters are erected in any block giving notice thereof, no person shall park a vehicle, except for loading or unloading passengers, during the days that the schools of the Altoona School District are in session, between the hours of 7:00 a.m. and 4:00 p.m. upon the following streets or portions of streets:

A. The south side of Bartlett Avenue, from 7th Street West to 6th Street West, and from 4th Street West to 3rd Street West.

10.20.125 Loading zone.

It is illegal to park any vehicle in the loading zone except for the purpose of loading or unloading said vehicle. When vehicles are parked for the purpose of unloading or loading under this section, they shall be removed from said zone immediately upon completion of loading or unloading the vehicle upon the following streets: (Ord. 5C-80, 1980)

A. The north side of Spooner Avenue between Tenth Street and Eleventh Street except for the easterly one hundred seventy-five feet;

B. The west side of 10th Street West for a distance of ten feet in a northerly direction starting at a point 150 feet north of the intersection of 10th Street West and Spooner Avenue.

10.20.126 Physically Disabled Persons—Parking.

A. In this section, "motor vehicle used by a physically disabled person" has the same meaning as contained in § 346.503 (1) Wis. Stats., including all existing and future amendments thereto.

B. Parking upon the following streets or portions of streets shall be prohibited at all times except for a motor vehicle used by a physically disable person:

1. The north side of Lynn Avenue from the intersection of Lynn Avenue and Division Street easterly for a distance of thirty feet.

2. The east side of 1st Street West from the intersection of 1st Street West and Lynn Avenue southerly for a distance of thirty feet.

3. The east side of 7th Street West for a distance of fifty feet southerly beginning at a point seventy feet south from the intersection of 7th Street West and Daniels Avenue. (Ord. 6A-01, Ord. 2F-98, 1998; Ord. 11C- 94, 1994; Ord. 6A-82, 1982)

4. The south side of Lynn Avenue, beginning at a point 66 feet east of the intersection with First Street West, for a distance of forty feet. (part Ord. 12A-11, 2011)

5. The south side of Bartlett Avenue from the intersection of 5th Street West and Bartlett Avenue easterly for a distance of forty feet. (part Ord. 12A-11, 2011)

6. The east side of 2nd Street West from the intersection of Bartlett Avenue and 2nd Street West northerly for a distance of fifty-five feet. (part Ord. 12A-11, 2011)

10.20.128 Parking in city parks.

Parking of motor vehicles in city parks shall be allowed only in those areas designated as parking areas. (Ord. 100-97, 1997)

10.20.130 Penalties for violations.

Unless otherwise specifically stated, the penalty for violating the provisions of this chapter shall be as set forth in Chapter 1.08. (Ord. 40 (part), 1979, Ord 10A-13)

*Note: A parking map has been created and is now on file for public viewing which graphically shows both Chapters 10.20 and 10.22.



Community Maps - Wisconsin County TSC Crash Mapping

This crash map is updated from preliminary police crash report data and does not represent a final and complete source of Wisconsin motor vehicle crashes. [More]

Home > Community Maps > Crash > Search

Fatality
Injury (A)
Injury (B)
Injury (C)
Property Damage

Select the form below to filter the crash map based on high level crash attributes. Click Apply to apply your filters or Reset to go back to the default settings.





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